

## SENATE.

FRIDAY, February 25, 1921.

(Legislative day of Thursday, February 24, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

## THE MEAT-PACKING INDUSTRY.

Mr. FERNALD. Mr. President, some time ago there appeared in one of the western farm papers, the Nebraska Farmer, an article entitled "How shall the packers be regulated?" It was inserted in the Record. Recently a reply has been made by Mr. Thomas E. Wilson, and in a spirit of fairness, that both sides may be represented, I ask that Mr. Wilson's reply be inserted in the Record.

Mr. KENYON. I would like to inquire what it is a reply to.

Mr. FERNALD. It is in reply to an article inserted in the Record some time ago, as to how to regulate the packers. I think the Senator from Iowa suggested that it be inserted in the Record, and, without reading, I ask that this article be inserted.

The VICE PRESIDENT. Is there any objection?

Mr. KENYON. The Senator from Utah [Mr. SMOOT] is in the habit of objecting to such matters going in the Record. I do not know whether he would object to this one or not. Possibly we ought to wait until he comes in. I shall object to it for the present, until I examine it and see what it is.

## DEPARTMENT OF EDUCATION.

Mr. SMITH of Georgia. Mr. President, I desire to call attention to a very excellent article prepared by the executive committee of the national committee for a department of education, of which Mr. Filene, of Boston, is chairman. I could, in my own time, read this article, but instead I ask leave to print it as a part of my remarks in the Record.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

## "CREATE A DEPARTMENT OF EDUCATION."

## FACTS ABOUT THE EDUCATIONAL BILL—THE SMITH-TOWNER BILL OF THE SIXTY-SIXTH CONGRESS.

I. Creates a department of education with a secretary in the President's Cabinet.

II. Provides Federal aid for education in the States, but prohibits Federal control.

(Prepared by national committee for a department of education. February, 1921.)

1. WHY SHOULD THERE BE A DEPARTMENT OF EDUCATION WITH A SECRETARY IN THE PRESIDENT'S CABINET?

A. Education is of primary importance to the Nation, and should, therefore, receive primary recognition.

B. A department of education would make possible the more effective administration of many of the educational activities now distributed through several departments of the Federal Government.

C. We should make better provision for Federal leadership in educational research and development.

D. To accomplish a great national purpose there must be a national center from which shall radiate national influence.

E. A secretary of education would be in a position to participate in the preparation of the Federal budget and to recommend what should be appropriated for the promotion of education.

F. A secretary of education would assure our proper participation in the solution of international educational problems.

G. The above purposes can not be fully reached through either the present Bureau of Education or a Federal board for education.

2. WILL THE ESTABLISHMENT OF A FEDERAL DEPARTMENT OF EDUCATION MEAN FEDERAL CONTROL OF EDUCATION IN THE STATES?

No; the bill says: "Courses of study, plans, and methods for carrying out the purposes and provisions of this act within a State shall be determined by the State and local educational authorities of said State, and this act shall not be construed to require uniformity of courses of study, plans, and methods in the several States in order to secure the benefits herein provided: And provided further, That all the educational facilities encouraged by the provisions of this act and accepted by a State shall be organized, supervised, and administered exclusively by the legally constituted State and local educational authorities of said State, and the secretary of education shall exercise no authority in relation thereto, except as herein provided, to insure that all funds apportioned to said State shall be used for the purposes for which they are appropriated by Congress."

The report (1201) of the House Committee on Education further says: "It can not be too strongly stated that this bill is to aid and encourage, and not to control. The bill instead of granting power to the Federal Government to control education

within the States in the strongest possible provisions guards against it. The secretary of education is denied the right to establish standards or to exercise any power over the conduct of the schools. The only standards or conditions which must be met by the States in order to receive the benefits provided are clearly stated in the bill. All details with respect to courses of study, plans, and methods are left entirely to the States."

## 3. WILL THE BILL AFFECT PRIVATE AND PAROCHIAL SCHOOLS?

No. In order to receive an apportionment from the fund allotted to equalization, which is one-half the total appropriation, a State must see that instruction in the common-school branches in all schools, public and private, is in the English language, and that children between 7 and 14 years of age attend some school at least 24 weeks in the year. Further than this, Congress does not authorize and has no power under the Constitution to authorize any interference with private schools. In so far as State laws may require private schools to maintain the minimum standards of public schools, then any raising of the quality of the public schools will require a corresponding improvement in private schools, but this is purely a State matter.

## 4. FOR WHAT PURPOSES IS FEDERAL AID PROVIDED TO THE STATES BY THE BILL?

A. \$7,500,000 for the removal of illiteracy.

B. \$7,500,000 for Americanization.

C. \$20,000,000 for physical education, including health education and sanitation.

D. \$15,000,000 for the preparation of public-school teachers.

E. \$50,000,000 for equalizing educational opportunities in the States.

It should be noted that these amounts are not appropriated by the bill; they are simply the maximum allotments authorized. It is very unlikely that the whole amount will ever be called for, because not every State will qualify under every section.

## 5. IS THE POLICY OF PROVIDING FEDERAL AID FOR THE PROMOTION OF STATE ACTIVITIES A NEW ONE?

No. The following precedents may be mentioned to indicate the acceptance of the principle that it is right and proper for the State to receive Federal aid in work of national importance:

A. The land act of 1785 set aside lot No. 16 in every township in the Northwest Territory for "the maintenance of public schools in the said township."

B. The ordinance of 1787 declared that "schools and the means of education shall forever be encouraged."

C. As States were added to the Union Congress required them to set aside sections of land for school purposes.

D. In 1863 the Morrill Act established the "land-grant colleges" in each State and later acts have granted large annual appropriations.

E. In 1917 the Smith-Hughes Act established the Federal Board for Vocational Education which now distributes money to the States for vocational education and industrial rehabilitation.

F. Congress now distributes to the States about \$100,000,000 a year to promote the building of roads.

## 6. WILL FEDERAL SUBSIDY MEAN FEDERAL CONTROL?

No; for allotments are made solely on the basis of population and similar factors named in the bill. A State needs only to meet the statutory requirements set up by the bill itself, the Secretary of Education being prohibited from exercising any further judgment in making allotments.

It will be observed that nowhere is power given the Secretary to establish standards, and the requirements for aid from the National Government are not made by him. All the standards and requirements are statutory and specifically noted in the bill, and can be changed only by Congress.

## 7. WHY SHOULD THE FEDERAL GOVERNMENT ENCOURAGE THE REMOVAL OF ILLITERACY?

A. The question of illiteracy in the Nation is both a national disgrace and a national menace.

B. The 1910 census showed 5,500,000 persons 10 years of age or over who could not read or write any language, and 3,500,000 more who could not speak, read, or write English.

C. Practically one-fourth of the men in the draft were illiterate. Since these men were chosen by lot, we must conclude that they represent the entire Nation fairly, and that the census reports are too optimistic. It is to be noted that in the Army illiteracy was determined by test, while the census figures were compiled by declaration only.

D. Secretary Lane estimated that the annual loss to the Nation from illiteracy alone at \$826,000,000.

E. The Director of the Bureau of Mines states that of the 1,000,000 men engaged in mining in the United States 620,000 are foreigners and 460,000 can not speak English. He states that the removal of illiteracy among miners would annually

save 1,000 lives and 150,000 injuries. One-half the industrial accidents are due to inability to read and understand danger warnings.

F. Illiteracy is neither sectional nor racial. It is national. It has been said that illiteracy is a southern problem. The facts do not warrant that conclusion. New York has 406,000 illiterates, Pennsylvania has 354,000, Illinois 168,000, and Massachusetts 141,000. Furthermore, illiteracy is decreasing faster in the South than in the North.

#### 8. WHY SHOULD THE FEDERAL GOVERNMENT ENCOURAGE AMERICANIZATION?

A. The safety of the Nation rests in its citizens and the danger lies in the susceptibility of the ignorant to the plea of the agitator.

B. The problem is one of dealing with adults, not with children.

C. The persons to be reached are concentrated, to a large extent, in one-sixth of the States, but their influence is nationwide.

#### 9. WHY SHOULD THE FEDERAL GOVERNMENT ENCOURAGE EDUCATION?

A. The Provost Marshal General's report showed that nearly one-third of the men examined for military service were disqualified by reason of physical defects, 90 per cent of which could have been prevented by a knowledge of simple health rules.

B. The Nation as a whole is vitally interested in the development of a physically sound people for carrying on the affairs of home and of business.

C. In the call to military service the largest proportion of exemptions for physical defects is made in the States most neglectful of physical education. The States furthest advanced in this respect necessarily make the largest contributions to military service. The common belief that country children are more healthy is not borne out. We need to educate children in rural schools as well as in city schools in the fundamentals of health.

#### 10. WHY SHOULD THE FEDERAL GOVERNMENT ENCOURAGE THE TRAINING OF TEACHERS?

A. Three hundred thousand persons now teaching in the United States have had no professional training whatever; thousands of schools are closed because teachers can not be obtained.

B. Large numbers of teachers move from State to State, which alone is enough to make this a national problem.

C. There is great need for the stimulation of teacher training in the several States.

#### 11. WHY SHOULD THE FEDERAL GOVERNMENT PROVIDE FUNDS FOR EQUALIZING EDUCATIONAL OPPORTUNITIES IN THE STATES?

A. The wealth of one State is \$14,000 for each child of school age, while that of another State is only \$2,000.

B. The greatest need for improvement in education is found where there is the least taxable wealth.

C. The most able and aggressive persons in rural districts gravitate toward the business centers. The wise conduct of industrial, commercial, and political affairs, centered in cities and sometimes in whole States, requires the proper education of those who, while born in the country, will handle these affairs in the city.

D. Wealth tends to become more concentrated than population.

E. The wealth concentrated in certain centers was not created there. The Federal income of \$86,000,000 derived last year from the tax on the manufacture of cigarettes in North Carolina is properly returnable to the 48 States whose purchases make possible the cigarette industry. The same is true of manufactures in other States. It may be noted that the cigarette tax in this one State alone is nearly large enough to cover the entire appropriation of the educational bill.

#### 12. SHOULD THOSE LIVING IN WEALTHIER STATES CONTRIBUTE TO THE EDUCATION OF CHILDREN IN POORER STATES?

A. The evidence is perfectly clear that the States individually can not furnish that equality of opportunity which is fundamental to our Government.

B. It is very much to the interest of the wealthy, industrial State to promote education in all the States and so make a better market for its goods. To fail to do this is to hamper the development of every State in the Union.

C. "Equal rights for all, special privileges for none."—Thomas Jefferson. "To all an unfettered start, and a fair chance in the race for life."—Abraham Lincoln. "A square deal for all."—Theodore Roosevelt.

#### 13. DOES THE BILL PROVIDE FOR TAKING OVER THE VARIOUS EDUCATIONAL UNITS NOW IN OTHER DEPARTMENTS?

The department will include the Bureau of Education and such other educational agencies as Congress shall determine. This will be one of the things worked out by the Reorganization Commission just appointed by Congress.

#### 14. WHAT PART OF THE MONEY APPROPRIATED TO THE STATES WILL BE USED FOR ADMINISTRATION OF THE ACT BY THE FEDERAL DEPARTMENTS?

Not one penny. Administration, including research, will be entirely covered by the \$500,000 or such other amount as may be voted specifically for that purpose. Every cent appropriated by the bill for promotion of education in the States will be paid directly to the State treasurers.

#### 15. HOW MAY THE STATES SPEND THEIR ALLOTMENTS?

In any way they see fit, provided they spend them wholly for the purposes for which they were allotted, i. e., illiteracy, teacher training, etc. The Secretary of Education is prohibited from exercising any control over the plans, means, or methods.

#### 16. IN WHAT WAYS ARE THE STATES PROHIBITED FROM SPENDING ANY PORTION OF THE ALLOTMENTS UNDER THE BILL?

- A. For the purchase or rental of land.
- B. For debts or the interest thereon.
- C. For the purchase, construction, rental, or repair of buildings.
- D. For the purchase, rental, or replacement of equipment.

#### 17. BY WHAT MEANS WILL THE STATES BE PREVENTED FROM WASTING THEIR ALLOTMENTS?

By the same means already in use in each State. The allotments go directly into the State treasury and must be appropriated and accounted for just as other State school funds are.

#### 18. WHAT STATUTORY STANDARDS ARE SET UP IN THE BILL?

To receive any portion of the fund for equalization of educational opportunities (\$50,000,000), a State must establish the following requirements and see that they are met:

- A. A public-school opportunity of not less than 24 weeks.
- B. Compulsory attendance at some school, public or private, for at least 24 weeks in the year, of all children between 7 and 14.
- C. English the basic language of instruction in all schools, public and private, in the common branches.

#### 19. WOULD ANY STATE BE BARRED FROM PARTICIPATION IF ITS OWN CONSTITUTION PREVENTED ITS MEETING THE THREE STANDARDS?

The bill says that in such a case the conditions are to be approximated as closely as the State constitution permits. No State would be barred, unless, although permitted by its own constitution, it refused to meet the three conditions by passing the proper laws. Most States have them.

#### 20. WHAT MUST A STATE DO TO QUALIFY FOR ITS ALLOTMENT?

- A. Meet the statutory requirements of the bill.
- B. Appropriate for each purpose at least as much money as it expects to receive for that purpose, but not less than it so appropriated the year before. Of course, in this amount will be figured all appropriations for the same purpose by any city, town, county, or other subdivision maintaining public schools. The States are now spending more than ten times the total allotment, so that except in some cases for the special purposes, appropriations would not need to be increased to qualify for the total allotment to the State.

#### NATIONAL COMMITTEE FOR A DEPARTMENT OF EDUCATION.

Executive committee: A. Lincoln Filene (chairman), Wm. H. Bixby, Henry Bruere, Wm. C. Redfield, and Mrs. Joseph Swan.

Other members: Mrs. Stephen Birch, Edward Bok, Franklin N. Brewer, Asa G. Candler, Edwin T. Coman, Frank Crane, Alvin E. Dodd, Cleveland H. Dodge, John Dolph, Guy C. Earl, Mrs. Thomas A. Edison, Franklin S. Edmonds, Wm. E. Hall, Miss Mary Garrett Hay, John R. Haynes, Mrs. W. S. Jennings, Henry R. King, Sam Lewisohn, V. Everit Macy, Karl E. Milliken, Mrs. Maud Wood Park, Walter Parker, Mrs. Percy Pennybacker, George Wharton Pepper, Mrs. Gifford Pinchot, John Poole, Mrs. Charles Sabin, Mrs. John D. Sherman, Michael H. Sullivan, Frank Vanderlip, Harris Weinstock, Mrs. Edward Franklin White, Mrs. Thomas G. Winter, Stephen S. Wise, and Matthew Woll.

#### JOHN HAYS HAMMOND.

Mr. PITTMAN. Mr. President, I have received a great number of telegrams to-day from citizens and newspapers of my State endorsing John Hays Hammond for appointment in the Cabinet of the President elect. I realize that it is a matter I have no influence in, but I have a very high regard for John Hays Hammond, as has practically every western man, and out of respect for the senders of these telegrams I ask leave to have printed just two of them in the RECORD. They are short.

Mr. SMOOT. Let the Senator read them.

Mr. PITTMAN. I will read them. The first is a telegram typical of those received from private citizens. I will simply use this one as an illustration:

CARSON, NEV., February 24, 1921.

KEY PITTMAN,  
Washington, D. C.:

Urge President Harding to select John Hays Hammond as a member of his Cabinet. His world-wide fame, his surpassing ability, and, more than all, his thorough knowledge of the needs of the Nation in this



transition period from chaos to order and normality specially fit him for such a position. His selection would be a splendid recognition of the West and redound to the credit of the administration and be an honor to the Nation.

W. P. HARRINGTON,  
Miss RUTH A. AVERILL,  
A. L. CROSS,  
JOS. A. PIERCY,  
ROGER MATHIEY,  
LOUIS SPELLER,  
CLYDE GUMMOW,

Members Nevada State Legislature.

Here is one from a newspaper, which is similar to other newspaper telegrams:

HON. KEY PITTMAN,  
Washington, D. C.:

Overwhelming sentiment for John Hays Hammond for place in Harding's Cabinet. His appointment would mean much for Nevada as well as the whole West, with whose interests you know he is in thorough accord. Urge his name to President. Hammond, with his world-wide reputation and high standing on this coast, would add great strength to the Cabinet.

T. D. VANDEWORT,  
Editor and publisher Carson Appeal.

I will state that both Democrats and Republicans have their names appended to the telegrams.

#### RELIEF OF DISTRESS IN CHINA.

MR. KENYON. Mr. President, I ask unanimous consent that the joint resolution (S. J. Res. 260) appropriating \$500,000 to convey cereals for the relief of China may be considered at this time. If it leads to debate, I will not pursue it. It is a very important matter, and if it is to be passed at all, it should be passed now and sent over to the House.

MR. JONES of Washington. Mr. President, this is a rather urgent measure, and if it will not lead to any discussion I shall not interfere with its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations with an amendment to strike out all after the resolving clause and to insert:

That the sum of \$500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used for the transportation in vessels of either or both the Navy or the United States Shipping Board, which use is hereby authorized, of corn in bulk and other food products from the United States to China for the relief of their famine-stricken people: *Provided*, That the expenditure of this sum shall be under the supervision and direction of the President of the United States: *Provided further*, That in view of the fact that railroads and their employees are furnishing free transportation, farmers are donating corn and other cereals through the American Farm Bureau Federation, and other food products are being donated, and the American Committee for China Famine Fund is willing to bear any and all other expenses within the United States, no part of this sum shall be available for the purchase of said corn and other cereals, transportation, or for any other purposes within the United States not connected with the ocean transportation.

MR. KENYON. Mr. President, the situation in China may have been exaggerated, as some things are in newspaper reports, but there is no question that there are some 14,000,000 people in China who are now starving. It is running around 7,000 deaths a day. The farmers of this country have offered, through the American Farm Bureau Federation, to donate the corn and other food products. The railroads have offered to transport this foodstuff free to the coast. The brotherhoods and railroad employees have offered to furnish their labor free. The other expenses, the elevator charges, and matters of that kind, which will amount to some forty or fifty thousand dollars, are to be borne by the Chinese Relief Association.

The Navy has the boats, or they can be secured from the Emergency Fleet Corporation, to convey the corn and other cereals to China. The Chinese Relief Committee is an association with offices in New York, headed by Mr. Lamont, and the President of the United States addressed some 125 letters to different citizens of the United States, asking them to serve on that committee. They, coupled with the farmers, have been behind this work, and have already sent nearly a million dollars to China to be used there in purchasing foodstuffs.

That is the simple proposition, Mr. President; the Navy is to use its fleet of boats to transport this foodstuff to China. It may not cost this amount of money. The reservists will be called in for the Navy. They will get the amount of training they have to indulge in in any event. It is not only a piece of great humanity, it is a piece of great diplomacy, for China is one of the few friends we have left in the world. The men who have started and carried forward this movement have rendered a great service to humanity.

The Committee on Appropriations took up this question with the State Department, and I will ask to have inserted in the Record a letter received from the Secretary of State.

There being no objection, the letter was ordered to be printed in the Record, as follows:

DEPARTMENT OF STATE,  
Washington, February 23, 1921.

The Hon. FRANCIS E. WARREN,  
United States Senate.

SIR: I have the honor to acknowledge the receipt of Senate joint resolution 260, providing for the relief of famine sufferers in China.

The famine situation in north China has been a subject of careful investigation by American diplomatic and consular representatives in China, and the appeals for relief that have been issued have been based upon a knowledge of the results of that investigation. Reports indicate that a fairly large area, covering the northern part of Shantung Province, the northeastern part of Honan Province, the southern part of Shansi, and all of the Province of Chihli lying south and east of Peking, is suffering from a severe dearth of supplies of food, due to the failure of local crops because of lack of rain. This area is very densely populated, and all local reserves of grain were, as a result, quickly consumed by the people, so that at the present time they have neither supplies for food nor for seed purposes when the planting season returns.

At the present time organizations at Peking, Tientsin, and Tsinanfu, the capital of Shantung Province, are engaged in obtaining supplies of grain from Manchuria and other parts of China where the crops have been plentiful and are transporting these supplies to the regions affected by the famine. The Chinese Government and people are doing everything that they can to assist. The population of the area affected is not a rice-consuming population. Their main food is millet and corn.

In connection with the work which is being done in China, I might state for the information of the committee that the Chinese Government is collecting on surtaxes approximately \$750,000 Mexican monthly. Additional surtaxes imposed on import and export duties are soon to become effective and will furnish security for a loan which has been obtained from private foreign banks at Peking to the amount of \$4,000,000 Mexican, which is to be devoted to famine relief. Free transportation is being granted to relief workers and supplies. Large contributions have been made by private Chinese families, among whom the Sheng family are reported to have contributed half a million, while President Hsu has subscribed \$30,000 Mexican. To these sums should be added \$500,000 United States currency contributed by the American Red Cross and \$700,000 United States currency remitted by the American Committee for China Famine Fund. A recent report from Peking indicates that a total of \$45,000,000 Mexican is necessary to complete the program of relief already laid out. The report states that besides unexpended balance of funds already collected, amounting to \$3,000,000 Mexican, plus the estimated future contributions from other countries, amounting to \$1,500,000 Mexican, plus the estimated result of a local campaign recently started in China, amounting to \$1,000,000 Mexican, there is left the sum of approximately \$35,000,000 Mexican to be raised for the purpose of buying food.

The reports indicate that preparations are already being made by the organizations now working in China to cope with any possible typhus or other epidemic which may follow this period of distress.

The above information has been received from the American minister at Peking; no official reports on this subject have reached the department through the Chinese Legation in Washington.

From the circumstances recited above it would appear to be very desirable to do what possibly can be done to meet the needs of the population in this famine-stricken area, and the department, for its part, would therefore welcome the passage of a resolution such as the one the committee has under consideration.

I have the honor to be, sir,  
Your obedient servant,

BAINBRIDGE COLBY.

MR. SMOOT. Mr. President, as I was not able to attend the meeting of the Appropriations Committee yesterday, having been in conference on the emergency tariff bill, I wish to ask the Senator from Iowa whether the question of transportation after the corn is delivered was considered by the committee? Was there any information as to whether that would be taken care of?

MR. KENYON. In China?

MR. SMOOT. In China; that is, from the port of entry to the stricken districts.

MR. KENYON. Yes; that was gone over. There is an all-American relief committee there, and they are the ones who

will assist in the matter and help get the foodstuff to its destination.

Mr. SMOOT. The Senator thinks it can be done?

Mr. KENYON. It can be done.

Mr. SMOOT. There were conflicting reports on that point, and I wanted to know whether that question had been considered.

Mr. KENYON. We had that before the committee, and the committee decided it could be done. The expenditure, of course, is limited to what the President may find necessary to spend. It may not require the amount of the appropriation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The committee requests to strike out the preamble. It will be stricken out, without objection.

The title was amended so as to read: "A joint resolution for the relief of the famine-stricken people of China."

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. H. Overhues, its assistant enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922; that it had receded from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 18, 19, 22, 23, 26, 32, 33, 34, and 36, and agreed to the same; that it had receded from its disagreement to the amendments of the Senate numbered 27 and 30 to the bill, and had agreed to each thereof with an amendment.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes; that it had receded from its disagreement to the amendments of the Senate numbered 3, 7, 10, 12, 18, and 19 to the bill; that it had receded from its disagreement to the amendments of the Senate numbered 9, 13, 14, and 20, and had agreed to each thereof with an amendment.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922; had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ANDERSON, Mr. MAGEE, and Mr. BYRNES of South Carolina were appointed managers at the conference on the part of the House.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 397. An act to authorize a lieu selection by the State of South Dakota for 160 acres on Pine Ridge Indian Reservation, and for other purposes;

H. R. 567. An act for the relief of John Chick;

H. R. 644. An act for the relief of Oscar Smith;

H. R. 646. An act for the relief of Perry E. Borchers because of losses suffered, due to destruction of property and termination of contract for services because of smallpox while in the employ of the Navy Department in Cuba;

H. R. 1035. An act for the relief of the widow of Joseph C. Akin;

H. R. 1430. An act to authorize the addition of certain lands to the Weiser National Forest, Idaho;

H. R. 2323. An act relating to the title to land to be acquired as a site for a post-office building at Spring Valley, Ill.;

H. R. 2946. An act to amend acts to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes;

H. R. 5081. An act for the relief of James E. Adams;

H. R. 5416. An act to authorize corporations organized in the District of Columbia to change their names;

H. R. 6414. An act for the relief of Herman W. Schallert;

H. R. 7573. An act authorizing payment of compensation to Pasquale Dolce for personal injuries;

H. R. 8535. An act to provide for the redistribution of general taxes and special assessments due and payable on real estate in the District of Columbia, in cases of subdivision or sales of land therein;

H. R. 8647. An act for the relief of the owners of the American schooner *William H. Sumner*;

H. R. 9028. An act to authorize the addition of certain lands to the Nez Perce National Forest, Idaho;

H. R. 9702. An act granting certain lands to the city of Sandpoint, Idaho, to protect the watershed of the water-supply system of said city;

H. R. 9794. An act for the relief of Wendell Phillips Lodge, No. 365, Knights of Pythias;

H. R. 9840. An act for the relief of Capt. E. V. Dickson;

H. R. 10424. An act to add certain lands to the Targhee National Forest;

H. R. 10598. An act for the relief of the First National Bank of Sharon, Pa.;

H. R. 11004. An act to grant certain lands to the board of trustees of the village of Downey, State of Idaho, for the protection of its water supply;

H. R. 11307. An act to amend section 5146 of the Revised Statutes of the United States, in relation to the qualifications of directors of the National Banking Association;

H. R. 11841. An act to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," approved February 15, 1893;

H. R. 13051. An act to add certain lands to the Lemhi National Forest, Idaho;

H. R. 13319. An act for the relief of Wilson Certain;

H. R. 13592. An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries;

H. R. 15769. An act to authorize the construction of a bridge over the Rio Grande, between the cities of Del Rio, Tex., and Las Vacas, Mexico;

S. J. Res. 161. Joint resolution to exempt the New York State Barge Canal from the provisions of section 201 of the transportation act, 1920, and for other purposes;

H. J. Res. 215. Joint resolution authorizing the legal heirs of certain officers of the United States Coast Guard who lost their lives when the Coast Guard cutter *Tampa* was destroyed in Bristol Channel September 26, 1918, to receive pay and allowances that would have accrued to said officers; and

H. J. Res. 465. Joint resolution for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

#### PETITIONS AND MEMORIALS.

Mr. WOLCOTT presented memorials of Nan G. Walsh and Margaret A. Murphy, of Wilmington, Del., remonstrating against the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

Mr. STERLING presented a concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Military Affairs, as follows:

A concurrent resolution memorializing Congress and our Senators and Representatives in Congress, and the War Department, to use all honorable means to designate Fort Meade as a military hospital of the tenth public health district.

Whereas at the present time 16,000 disabled veterans of the World War are in dire need of hospital facilities and medical attention, and there are also a vast number of such veterans in need of supervised medical attention and opportunity to recuperate and convalesce under the most favorable health conditions; and

Whereas three separate inspections and examinations of Fort Meade were made during the year 1920 by eminent representatives of the Public Health Service, the last of which was made by Asst. Surg. Gen. Stimpson, of the Public Health Service, all of which reports strongly recommended the use of Fort Meade by the Public Health Service; and

Whereas the Public Health Service, by reason of those investigations and reports, endeavored to secure from the Secretary of War a transfer of said post for their purposes; and

Whereas South Dakota is situated in the tenth public health district, in which there is no central hospital, being limited entirely to surgical accommodations at Minneapolis, Minn.; and

Whereas it is now costing the Government \$5,000 a month to maintain said post, without any tangible benefit to the Government; and

Whereas Fort Meade has the following outstanding characteristics and qualifications for such a hospital center:

It has its own water supply of the finest and purest water in the United States;

It is well equipped with \$2,000,000 worth of modern buildings;

It has excellent railway facilities;

It has 1,800 square miles of Government land available for any purpose;

It is the geographical center of the tenth district of the Public Health Service; and

Whereas it is the healthiest post in the service of the United States Army, as shown by the records of the Surgeon General; Now, therefore, in the spirit of fairness to the men whose lives were offered to save our Government in its greatest peril, and in order to save the lives of those who are even now suffering for the lack of adequate hospital facilities: Be it

Resolved by the Legislature of the State of South Dakota, That we favor the designation of and earnestly urge the Congress of the United States and the War Department to take such steps as are necessary for the immediate use of Fort Meade, and we earnestly request our Sen-



ators and Representatives in Congress to employ their best efforts to that end. Be it further

*Resolved*, That an engrossed copy of this resolution be sent to the Congress of the United States and to our Senators and Representatives in Congress and to the Secretary of War by the secretary of the senate.

CARL GUNDERSON,  
President of the Senate.  
A. B. BLAKE,  
Secretary of the Senate.  
C. O. BERDAHL,  
Speaker of the House.  
WRIGHT TARBELL,  
Chief Clerk of the House.

Mr. STERLING presented a concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Interstate Commerce, as follows:

UNITED STATES OF AMERICA,  
STATE OF SOUTH DAKOTA,  
SECRETARY'S OFFICE.

I, C. A. Burkhart, secretary of state, do hereby certify that the annexed bill, to wit, concurrent resolution, was duly passed by the seventeenth session of the Legislature of the State of South Dakota, approved by the governor, and that the same is now in full force and effect.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota at the city of Pierre February 21, 1921.

[SEAL.]

C. A. BURKHART,  
Secretary of State.

A concurrent resolution memorializing Congress to amend the transportation act, 1920, so as to eliminate therefrom the rule of rate making, and so as to preserve to the States control of intrastate affairs of common carriers.

Whereas by the provisions of section 15a of the transportation act, 1920, approved February 28, 1920, the Congress of the United States prescribed, "That during the period beginning March 1, 1920, the commission shall take as such fair return a sum equal to 5½ per cent of such aggregate value, but may, in its discretion, add thereto a sum not to exceed one-half of 1 per cent of such aggregate value to make provision, in whole or in part, for improvements, betterments, or equipment, which, according to the accounting system prescribed by the commission, are chargeable to capital account," and thereby enacted a rule of rate making, so called, to be observed by the Interstate Commerce Commission in exercising its power to prescribe just and reasonable interstate rates; and

Whereas the result of such rule of rate making, so called, is practically to guarantee to common carriers annual net earnings from operations and to remove the incentive for care and economy and expenditures for operations; and

Whereas the policy embodied in such rule of rate making is, in the opinion of the Legislature of the State of South Dakota, detrimental to the public interests; and

Whereas by several provisions of the transportation act, 1920, approved February 28, 1920, the Congress of the United States vested broad powers in the Interstate Commerce Commission, which that commission is attempting to exercise with a view to controlling interstate commerce and the instrumentalities thereof and with a view to preventing discriminations against and burdens upon interstate commerce in such a way as to deprive the several States of their right to regulate, under the police powers, intrastate rates, services, and facilities, and the local affairs of common carriers: Therefore be it

*Resolved by the House of Representatives of the State of South Dakota (the Senate concurring)*, That the Legislature of the State of South Dakota hereby petitions and memorializes the Congress of the United States so to amend the transportation act, 1920, as to eliminate therefrom the rule of rate making, so called, and to so define and curtail the powers of the Interstate Commerce Commission as to protect and preserve the powers of the several State commissions with relation to intrastate rates, services, and facilities, and the local affairs of common carriers within the States; and be it further

*Resolved*, That the secretary of state of South Dakota be, and he is hereby, directed to transmit a certified copy of this resolution to each United States Senator and each Representative in Congress of the State of South Dakota.

CARL GUNDERSON,  
President of the Senate.  
A. B. BLAKE,  
Secretary of the Senate.  
C. O. BERDAHL,  
Speaker of the House.  
WRIGHT TARBELL,  
Chief Clerk of the House.

Mr. STERLING presented a concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Education and Labor, as follows:

A concurrent resolution requesting the Congress of the United States to enact national legislation to provide for Government review and approval of moving-picture film to be used in interstate commerce and showing to the public.

*Be it resolved by the House of Representatives of the State of South Dakota (the Senate concurring)*:

Whereas there is a widespread agitation for a better supervision of moving pictures which are to be shown in places of public amusement; and

Whereas there is now no Government regulation for review and approval of such film to be transported in interstate commerce and shown to the public; and

Whereas State review and legislation interferes with and makes a burden on the local exhibitor instead of correcting the subject at the source of production: Therefore be it

*Resolved*, That we petition the Congress of the United States to enact such remedial legislation as will require the producers of all moving pictures calculated to be offered for transportation in interstate commerce and showing to the public to be reviewed by a legal board under authority of Congress to the end that all such films may have legal approval for public showing uniformly in public places of amusement

within the States and Territories of the United States and not be subject to individual, local, or State restriction.

*Resolved*, That the secretary of state be instructed to send a copy of this memorial to each of the Representatives from the State of South Dakota in the Congress of the United States and to the presiding officers of the House and Senate of the United States Congress, and to each legislative assembly now convened and in session in the various States of the United States.

CARL GUNDERSON,  
President of the Senate.  
A. B. BLAKE,  
Secretary of the Senate.  
C. O. BERDAHL,  
Speaker of the House.  
WRIGHT TARBELL,  
Chief Clerk of the House.

Mr. STERLING presented a concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Finance, as follows:

A concurrent resolution memorializing Congress and our Senators and Representatives in Congress to use all honorable means to secure the passage of the Rogers bill, known as H. R. 14961, for the establishment in the Interior Department of a bureau of veteran reestablishment, and for other purposes.

*Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring)*:

Whereas proper facilities for the care and treatment of war veterans suffering from disability or wounds incurred in the service have not been provided by the Federal Government out of the money appropriated by Congress for that purpose; and

Whereas many of such veterans are now being sent by the Government to local asylums, almshouses, and sanitariums operated for private gain, and which in many instances are unfit as places in which to furnish such care and treatment; and

Whereas the Rogers bill, known as H. R. 14961, now before Congress for consideration, provides for a consolidation of the several Government agencies dealing with such matters, and provides for the efficient administration of the funds appropriated by Congress for such purposes: Therefore be it

*Resolved by the Legislature of the State of South Dakota*, That the Congress of the United States and our Senators and Representatives in Congress be, and are hereby, urged to use all honorable means at their command to bring about the passage and approval of the said Rogers bill at the earliest possible date in order that such veterans may receive care and treatment in proper institutions through the consolidation of the several Government agencies dealing with such relief into the one bureau to be known as the bureau of veteran reestablishment as provided for in said Rogers bill. Be it further

*Resolved*, That an engrossed copy of this resolution be sent to the Congress of the United States and to our Senators and Representatives in Congress by the secretary of the senate.

CARL GUNDERSON,  
President of the Senate.  
A. B. BLAKE,  
Secretary of the Senate.  
C. O. BERDAHL,  
Speaker of the House.  
WRIGHT TARBELL,  
Chief Clerk of the House.

Mr. MYERS presented a memorial of the Legislature of Montana, which was referred to the Committee on Public Lands, as follows:

UNITED STATES OF AMERICA,  
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the following is a true and correct copy of an act entitled "A memorial to the President and to Congress of the United States for the setting aside of certain lands covered and known as 'The Gates of the Rocky Mountains' into a national monument and withdrawing the same from entry," enacted by the seventeenth session of the Legislative Assembly of the State of Montana, and approved by Joseph M. Dixon, governor of said State, on the 21st day of February, 1921.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 21st day of February, A. D. 1921.

[SEAL.]

C. T. STEWART,  
Secretary of State.

A substitute for house joint memorial No. 3 introduced by committee on Federal relations.

A memorial to the President and to Congress of the United States for the setting aside of certain lands covered and known as "The Gates of the Rocky Mountains" into a national monument and withdrawing the same from entry.

*Be it resolved by the Legislative Assembly of the State of Montana that the following memorial be adopted*: Your memorialists, members of the Seventeenth Legislative Assembly of the State of Montana, in regular session assembled, the senate and house concurring, respectfully represent:

Whereas within the boundaries of sections 18, 19, 30, and 31 of township 13 north of range 2 west, and sections 10, 11, 12, 13, 24, 25, and 35 of township 13 north of range 3 west, and the north one-half of section 1, township 12 north of range 3 west, of Montana's principal meridian, are contained the towering rocks with the Missouri River flowing between, and forming a famous and historical canyon named by the explorers, Lewis and Clark, as, "The Gates of the Rocky Mountains"; and

Whereas the same presents a distinctive and magnificent example of western scenery which should be preserved and protected in its present state unto the future ages; and

Whereas the withdrawing of the same from entry and settlement would be no interference with the agricultural or other productive activities in the vicinity: Therefore be it

*Resolved by the House of Representatives of the Seventeenth Legislative Assembly of the State of Montana, in regular session assembled, the senate concurring*, That we do hereby petition the President of the

United States to cause the said "Gates of the Rocky Mountains" to be withdrawn from entry and settlement and set aside as a national monument, and that the Congress of the United States take such action as will cause the same to become a perpetual national monument and be preserved unto the future ages for the benefit of all the people of our land; be it further

*Resolved*, That the secretary of the State of Montana forward a copy of this memorial to the President of the United States, to the Secretary of the United States Senate, to the Clerk of the House of Representatives of the United States, and to each United States Senator and Member of the House of Representatives from the State of Montana.

PERCY E. DODDS,  
*Speaker of the House pro tempore.*  
NELSON STORY, JR.,  
*President of the Senate.*

Approved February 21, 1921.

JOSEPH M. DIXON, *Governor.*

Filed for record February 21, 1921, at 11.50 o'clock a. m.

C. T. STEWART,  
*Secretary of State.*

Mr. CAPPER presented a resolution of the military committee of the Cleveland Chamber of Commerce, of Cleveland, Ohio, favoring legislation creating a bureau of veteran reestablishment in the Interior Department, which was referred to the Committee on Finance.

He also presented a resolution of Local Union No. 3298 of Farmers' Union, of Judsonia, Ark., favoring legislation to prevent gambling in grain products, which was referred to the Committee on Agriculture and Forestry.

Mr. BALL presented memorials of Nan G. Walsh and Margaret A. Murphy, of Wilmington, Del., remonstrating against the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

Mr. WILLIS presented a resolution adopted at the Alum Creek Quarterly Meeting of the Friends' Church, of Columbus, Ohio, favoring the enactment of the so-called Jones-Miller bill, prohibiting the export of opiates, etc., which was referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. POINDEXTER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 15975) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes, reported it with amendments and submitted a report (No. 816) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 2120) for the relief of certain officers in the United States Army, reported it with an amendment and submitted a report (No. 817) thereon.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WOLCOTT:

A bill (S. 5037) to enlarge, extend, remodel, etc., public building at Dover, Del.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Maryland:

A bill (S. 5038) to amend and reenact subdivision (a) of section 209 of the transportation act, 1920; to the Committee on Interstate Commerce.

#### AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. HENDERSON submitted an amendment intended to be proposed by him to the Army appropriation bill, which was ordered to lie on the table and be printed, as follows:

On page 17, line 15, after the numbers "1920," substitute a comma for the period and add the following: "nor to prohibit the enlistment in addition thereto of Flying Cadets to the number now authorized by law."

#### CHRISTIAN PEOPLES OF THRACE, CONSTANTINOPLE, AND ANATOLIA.

Mr. KING submitted the following resolution (S. Res. 463), which was referred to the Committee on Foreign Relations:

Whereas the treaty of Sevres, which settled the terms of peace with the Turks, made territorial adjustments in the interest of the Christian populations of eastern Europe and Asia Minor, and particularly extended the boundaries of Greece to include Thrace, Smyrna, and the Aegean Islands, thus restoring in part the ancient Greek national territories; and

Whereas the Government and people of the United States have always taken a friendly interest in the Greek people and in the restoration of their ancient liberties and national territories; and

Whereas it is possible for Turks and non-Christian peoples to fully enjoy personal and religious liberty and security under Greek law and sovereignty, and it is impossible for Greeks or other Christians to enjoy personal or religious liberty or security under Turkish domination; and

Whereas the Christian and non-Christian nations are so intermingled in the regions of Thrace, Constantinople, and Anatolia that territorial boundaries can not be arranged to strictly follow ethnic or national lines; and

Whereas the treaty of Sevres made territorial dispositions which properly protected the rights of the Christian peoples and made due provision to secure the personal and religious liberty of the Turkish and non-Christian population; and

Whereas the Turks are demanding the restoration of their régime in Thrace, Constantinople, and Smyrna, and for this purpose are asking that the treaty of Sevres be revised in their interest: Now, therefore, be it

*Resolved*, That it is the sense of the Senate of the United States that there be no revision of the treaty of Sevres which will in anywise diminish or restrict the territories awarded to Greece, or which will diminish or restrict the rights and liberties of the Christian peoples within the former Turkish Empire, and that the Senate expresses the hope that the supreme council of the allies and the council of the League of Nations will give paramount consideration to the rights, liberties, and interests of the Christian peoples of Thrace, Constantinople, and Anatolia, and will not permit any restoration of intolerable Turkish dominion over them, but that the liberties achieved for them by the victory of the Allies over the Turks and incorporated in the treaty of Sevres will be entirely established and perpetuated.

#### POST-OFFICE APPROPRIATIONS—CONFERENCE REPORT.

Mr. TOWNSEND submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 8, 16, and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 11, 15, and 21, and agree to the same.

The committee of conference have not agreed upon the amendments of the Senate numbered 3, 7, 9, 10, 12, 13, 14, 18, 19, and 20.

CHAS. E. TOWNSEND,

GEO. H. MOSES,

LAWRENCE C. PHIPPS,

J. C. W. BECKHAM,

CHARLES B. HENDERSON,

*Managers on the part of the Senate.*

MARTIN B. MADDEN,

CHAS. F. OGDEN,

E. E. HOLLAND,

*Managers on the part of the House.*

The report was agreed to.

Mr. TOWNSEND. I ask to have the action of the House of Representatives read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,  
February 24, 1921.

*Resolved*, That the House recedes from its disagreement to the amendments of the Senate numbered 3, 7, 10, 12, 18, and 19 of the bill (H. R. 15441) entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes," and agrees to the same.

That the House recedes from its disagreement to Senate amendment numbered 9, and agrees to the same with the following amendment: Strike out all of the matter inserted by said amendment commencing with the word "Provided," in line 12, and insert in lieu thereof the following: "Provided, That postal employees and substitute postal employees who served in the military, marine, or naval service of the United States during the World War and have not reached the maximum grade of salary shall receive credit for all time served in the military, marine, or naval service, on the basis of one day's credit of eight hours in the Postal Service for each day served in the military, marine, or naval service, and be promoted to the grade to which such postal employee or substitute postal employee would have progressed had his original appointment as substitute been to grade one. The provisions herein shall be effective as of date of passage of the original act of June 5, 1920."

That the House recedes from its disagreement to Senate amendment numbered 13, and agrees to the same with the following amendment: In lieu of the matter inserted by the said amendment insert the following: "Provided further, That the Postmaster General may contract with any individual, firm, or corporation for the transportation of mail by airplane between such points as he may deem advisable and designate, in case such transportation service is furnished at a cost not greater than the actual cost of the same service by rail, and shall pay therefor out of the appropriation for inland transportation by railroad routes."

That the House recedes from its disagreement to Senate amendment numbered 14, and agrees to the same with the following amendment: In lieu of the sum named in said amendment insert "\$1,250,000."

That the House recedes from its disagreement to the amendment of the Senate numbered 20, and agrees to the same with an amendment as follows: In line 8, after "proper," insert "Provided, That the said commission shall not expend a greater sum than \$150,000 during the fiscal year 1922."

Mr. TOWNSEND. I move that the Senate concur in the House amendments to the Senate amendments numbered 9, 13, 14, and 20.

The motion was agreed to.

The VICE PRESIDENT. Does that end it?

Mr. TOWNSEND. That ends it.

The VICE PRESIDENT. The bill is passed.



DIPLOMATIC AND CONSULAR APPROPRIATION—CONFERENCE REPORT.  
Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 20, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 21, and 24, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$379,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$403,600"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "\$5,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$18,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment commencing with the word "Provided," in line 7, and insert in lieu thereof the following: "Provided, That the deed of transfer of said property to the United States shall be unconditional and free from encumbrance and shall convey such estate as may be held by the said J. Pierpont Morgan: And provided further, That the property is held on freehold tenure and not on customary London ground lease"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,874,500"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,909,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,400,000"; and the Senate agree to the same.

The committee of conference have not agreed upon the following amendments: Nos. 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 18, 19, 22, 23, 26, 27, 30, 32, 33, 34, and 36.

H. C. LODGE,  
W. E. BORAH (by H. C. L.),  
CLAUDE A. SWANSON,  
*Managers on the part of the Senate.*  
JOHN JACOB ROGERS,  
J. A. ELSTON,  
JNO. H. SMALL,  
*Managers on the part of the House.*

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. POMERENE. As I understood from the reading of the report, it is stated that the Senate has receded from certain amendments. What are those amendments?

Mr. LODGE. I have not a copy of the bill at hand, but I will say to the Senator that we receded from the amendment in relation to the Ellen M. Stone ransom fund. That is one of the amendments in which I know the Senator is interested. The House, however, simply would not accept it. On amend-

ment No. 8 we receded. That amendment involved merely an increase in the appropriation for clerks at embassies and legations. Amendment No. 20 involved an increase in the appropriation for the international joint commissions. Amendment No. 35 related to the Ellen M. Stone ransom fund, as I remember.

Mr. POMERENE. May I ask the Senator what was done with respect to the amendment proposing an increase in the allowance for clerk hire in the Consular Service?

Mr. LODGE. We compromised on that. I can give the Senator all the figures, if he desires them.

Mr. POMERENE. I am not particular as to that; I will look into the matter later. I do not intend to interpose any objection.

Mr. LODGE. There is a message from the House in connection with the conference report, although it will not show explicitly some of the compromises which have been reached.

Mr. POMERENE. I do not intend to interpose any objection, because I think I realize some of the difficulties which confronted the Senator and the other conferees.

Mr. LODGE. It is an extremely complicated matter to get through a conference report under the conditions imposed by the present rules of the House of Representatives. In the simpler language of an older day, I should say that a complete agreement has been reached. The conference report shows there were 36 amendments, including 3 trifling amendments, put on by the Senate. They consisted for the most part of original House provisions which we restored, but 22 of them in disagreement were taken back to the House of Representatives, and after four hours that body agreed to all the conferees had done except as to 1 small amendment.

Mr. POMERENE. May I ask the Senator further what was done with respect to the amendment relating to the purchase of embassies?

Mr. LODGE. The House receded from its disagreement to that amendment.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives on the bill, which the Secretary will read.

The Assistant Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,  
February 24, 1921.

Resolved, That the House recedes from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 18, 19, 22, 23, 26, 32, 33, 34, and 36 to the bill (H. R. 15872) entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922," and agrees to the same.

That the House recedes from its disagreement to the amendment of the Senate numbered 27, and agrees to the same with an amendment as follows: Strike out line 4 of the matter inserted by said amendment and all of line 5 of such matter up to and including the word "paragraph" and in lieu thereof insert the following: "suitable buildings, or buildings and grounds, for embassy, legation, and consular purposes, separate or combined, in any city specified in connection with the foregoing appropriation of \$300,000."

That the House recedes from its disagreement to Senate amendment numbered 30, and agrees to the same with the following amendment: In lieu of the sum named in said amendment insert "\$250,000."

Mr. LODGE. I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 27 and 30.

The motion was agreed to.

The VICE PRESIDENT. That winds the matter up?

Mr. LODGE. That makes a complete agreement.

The VICE PRESIDENT. So the Chair understands; and the bill is finally passed.

#### RIVER AND HARBOR APPROPRIATIONS.

Mr. JONES of Washington. Mr. President, I move that the Senate resume the consideration of House bill 15935, the unfinished business, and I ask that the bill may be read.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15935) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The bill will be read.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, as follows:

For the preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, \$15,000,000.

For examinations, surveys, and contingencies for rivers and harbors for which there may be no special appropriation, \$250,000: *Provided*, That no part of this sum shall be expended for any preliminary examination, survey, project, or estimate not authorized by law.

Mr. HARRISON. I desire to offer an amendment to the bill. On page 2, line 4, I move to strike out "\$15,000,000" and insert in lieu thereof "\$33,000,000."

Mr. McNARY. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. HARRISON. I yield.

Mr. McNARY. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harris	McNary	Smith, S. C.
Brandegee	Harrison	Moses	Smoot
Calder	Heflin	Myers	Spencer
Capper	Henderson	Nelson	Stanley
Chamberlain	Jones, Wash.	New	Sterling
Culberson	Kellogg	Overman	Sutherland
Cummins	Kendrick	Owen	Thomas
Curtis	Kenyon	Phipps	Townsend
Dial	Keyes	Pittman	Trammell
Dillingham	King	PoinDEXTER	Underwood
Elkins	Kirby	Pomerene	Wadsworth
Fernald	Knox	Ransdell	Walsh, Mass.
Fletcher	La Follette	Robinson	Walsh, Mont.
Gay	Lodge	Sheppard	Willis
Gerry	McCumber	Simmons	Wolcott
Gooding	McKellar	Smith, Ariz.	
Gronna	McLean	Smith, Ga.	
Hale		Smith, Md.	

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present. The question is on the amendment offered by the Senator from Mississippi.

Mr. HARRISON. Mr. President, I had hoped that some member of the committee who had voted in favor of recommending the amount carried in the bill would say something to justify the very small appropriation which has been recommended by the Committee on Commerce for river and harbor improvements for the next 18 months, but it seems that no member of the committee is willing to defend the action of the committee or to attempt to justify the \$15,000,000 proposed to be appropriated in a lump sum to carry on river and harbor improvements until July, 1922.

The amendment which I have offered proposes to strike out \$15,000,000 and to substitute \$33,000,000. Some one may wonder why I have asked that the sum of \$33,000,000 be substituted for \$15,000,000. The answer is very distinctly and succinctly stated in the last paragraph of a letter written by Maj. Gen. Lansing H. Beach to the chairman of the Committee on Commerce, the Senator from Washington [Mr. Jones], on February 5, 1921. The Senator from Washington propounded to Gen. Beach the following specific question:

What, in your judgment, is the lowest possible sum that will meet the needs of our commerce during the coming fiscal year? If a greater sum than \$15,000,000 is required, state the minimum sum you think we will need, and give the reasons therefor, and state what work should be done that can not be done with \$15,000,000 and the amount already on hand.

Of course, \$15,000,000 was the amount that had been appropriated by the House for river and harbor improvements during the coming 18 months. Here is the answer of Gen. Beach, and I sincerely hope that those Senators in whose States rivers and harbors are located will listen to the answer of Gen. Beach, given in reply to the question of the chairman of the committee, and if that answer can justify a vote against the amendment which I have proposed, then Senators may answer to their constituents for their action.

The answer of Gen. Beach is as follows:

My opinion as to the total amount which should be provided is stated in a letter dated January 29, 1921, to Hon. John H. Small—

I shall read that letter later—

in reply to specific questions asked by him, a copy of which letter and reply was furnished to you. While the river and harbor appropriation bill was under consideration by the subcommittee of the Appropriations Committee during January, Gen. Taylor worked with the committee for about two weeks, and during that time every item of the estimates was given searching investigation.

That was in connection with a recommendation of \$57,000,000 for the next 18 months for river and harbor improvements, and anyone who will take the time to read the testimony of Gen. Taylor before the House Rivers and Harbors Committee will be forced to the conclusion that Gen. Taylor justified every recommendation made by the Engineer's Office for the whole sum of \$57,000,000, but the letter goes further. Gen. Beach says:

As a result of this careful consideration I am satisfied that the minimum amount which should be appropriated is \$33,000,000. This allows only for the prosecution of the work urgently necessary and at a very moderate rate.

So I can not understand the reason which actuated the Committee on Commerce in reducing the amount of \$33,000,000, which was suggested by Gen. Beach as the very smallest pos-

sible amount that was needed and that should be allowed "for the prosecution of the work urgently necessary and at a very moderate rate"; yet we find that the amount which was considered necessary by the engineers has been reduced from \$33,000,000 to \$15,000,000. There is not a project in the whole United States that will not suffer and upon which there will be done from two to four times less work with the reduced appropriation of \$15,000,000 than would be done if the \$57,000,000 appropriation originally recommended by the department to the House Rivers and Harbors Committee were allowed.

If I am mistaken in the suggestion, I hope the Senator from Washington will correct me. I also trust he will listen to me on this proposition, because no one attempts to justify it, and I desire to elicit some answer from members of the committee touching this matter. I am interested in it because there are harbors in my State which have been filled up for the past six years because of inadequate appropriations. I can see that the commerce of the country is greatly affected by lack of proper provision being made for the maintenance and care of river and harbor improvements; I can see that the niggardly policy that has been pursued by the Congress in failing to appropriate adequate sums is affecting commerce, and, in my opinion it is a species of economy, or pretended economy, that works wastefulness instead of actual economy.

Mr. POINDEXTER. Mr. President—

Mr. HARRISON. I yield to the Senator from Washington.

Mr. POINDEXTER. What was the answer of the engineer as to the amount required? I did not hear the answer that he gave to the question.

Mr. HARRISON. I will say to the Senator from Washington that this was in answer to the question that was propounded by the chairman of the Commerce Committee of the Senate, as follows:

What, in your judgment—

Says the Senator from Washington [Mr. Jones] to Gen. Beach—

is the lowest possible sum that will meet the needs of our commerce during the coming fiscal year, and if a greater sum than \$15,000,000 is required state the minimum sum you think we will need and give the reasons therefor and state what work should be done that can not be done with \$15,000,000 and the amount already on hand?

The last clause of the answer is:

As a result of this careful consideration, I am satisfied that the minimum amount which should be appropriated is \$33,000,000. This allows only for the prosecution of the work urgently necessary and at a very moderate rate.

A Member of the Senate who is not fortunate enough to be on the great Commerce Committee of the Senate is in a very disadvantageous position. There are no printed reports of hearings before that committee. There are no data on which such a Member can base the actions of the committee, and so we are just groping in darkness so far as our actions are concerned. I have read, however, the hearings before the House Rivers and Harbors Committee; I have read the communications and recommendations of the War Department to the Congress of the United States, and I know what the action of the Congress has been for the past few years in failing to provide adequate appropriations for river and harbor improvements.

I need only call the attention of the Senate to the fact that last year the War Department recommended an appropriation of \$43,000,000 to carry on the river and harbor work for the then coming year, and that the House of Representatives reduced that amount to a lump sum of \$12,000,000, and it got to the Senate and the Senate discussed and considered the matter. The Senate Committee on Commerce recommended that that sum be increased \$8,000,000, raising the \$12,000,000 to a lump sum of \$20,000,000. An amendment was adopted on the floor of the Senate making it \$24,000,000. It passed by a fairly large majority; it went back into conference, and by some hypnotic influence exercised by the House conferees over the Senate conferees the amount finally appropriated was \$12,000,000. So the only reason I know or can conceive of for the action of the Senate Commerce Committee this time in recommending the appropriation of only \$15,000,000 when the War Department recommended \$57,000,000 in the first instance, and reduced it only to \$33,000,000 to take care of the immediate needs and emergencies that might arise on the rivers and harbors of the country, is that the House had appropriated \$15,000,000, that they had forced the Senate conferees last year to come to their way of thinking, notwithstanding the action of the Senate in increasing the amount from \$12,000,000 to \$24,000,000 last year, and that they realized that it was impossible to increase the amount this year, and they took the judgment of the House on this proposition.



I know what whole-hearted and sincere interest the members of the Commerce Committee of the Senate have in river and harbor improvement. I know how hard they have fought for years in this body for appropriations to carry on this great work upon the part of the Government, and their judgment may be right. They may think it is impossible to get any more; that the bill might die in this Congress if the amount should be increased, and their action may have been prompted because of that. I hope that is their reason, because I should dislike very much to think that the men who are on that committee, who have such interest in river and harbor improvement, and who have exercised their influence for so long a time in behalf of large and reasonable and adequate appropriations to carry on river and harbor work, have lessened in their ardor and enthusiasm for river and harbor improvement in the United States.

I find this state of facts to exist, also: Last year, when we appropriated only \$12,000,000 for river and harbor work, it was for a period of eight months. Bear that in mind, Senators, that the last river and harbor appropriation bill provided appropriations for only eight months. This year we are making appropriations until July, 1922, and the action of the House and the action of the Senate is based on the fact that this appropriation is for 18 or 19 months. If I am mistaken about that I should like to have the Senator from Washington correct me on that proposition.

Mr. JONES of Washington. Mr. President, I shall express myself on the matter when the Senator gets through, unless he desires an answer right now.

Mr. HARRISON. I will say to the Senator from Washington that I made the statement that the last river and harbor bill provided appropriations for only eight months, whereas in this bill, unless an appropriation bill is passed at the extra session of Congress, we must provide appropriations until July, 1922.

Mr. JONES of Washington. The last bill was an annual appropriation bill, of course, based on the theory that we would pass a river and harbor bill before the 4th of March.

Mr. HARRISON. Yes.

Mr. JONES of Washington. This bill runs, of course, until June 30, 1922, with the probability as well as the possibility that we will pass another bill many months before that time.

Mr. HARRISON. Yes. The chairman of the committee does not think that there will be any river and harbor bill during the extra session of Congress?

Mr. JONES of Washington. In my judgment there will be a legislative river and harbor bill in the coming extra session of Congress, and if any particular necessity exists there will be an appropriation passed early in the session beginning in December, long before the expiration of the fiscal year.

Mr. HARRISON. Yes, in December; but I mean in the extra session. That legislative bill will take care of preliminary surveys, and things like that?

Mr. JONES of Washington. Preliminary surveys and modifications of projects, and it will provide for new projects, and probably will also make available a lot of money that is now appropriated for different projects that have been lying idle for years and can be very well taken from those projects and made available for others. That can be taken care of in the extra session, and I have not any doubt but that in the regular session a regular river and harbor bill will be passed several months before the 30th of June, 1922.

Mr. HARRISON. Yes; but this bill is framed on the theory that this money is to run the Government for river and harbor improvement until July, 1922.

Mr. JONES of Washington. Oh, technically that is the legislative situation.

Mr. HARRISON. Mr. President, aside from the fact that in the river and harbor appropriation bill last year we were providing for river and harbor improvements for eight months, and appropriated \$12,000,000, this year we are appropriating \$15,000,000, which must run until July, 1922. On the facts presented it is 18 or 19 months from the time these estimates were made, which was in December last year.

It was argued last year that one of the reasons why this small amount was appropriated was because of the large unexpended balance on hand, and it was cited to us that there was some \$37,000,000—around \$60,000,000—then on hand that could be used, and that was why the amount was reduced to the \$12,000,000 figure. Of course, the fact was also disclosed that the unexpended balances that were on hand were for certain projects, and that the money had been allotted to carry on certain projects under certain conditions, and so forth. We find that on December 31 of last year there was only \$41,658,334 on hand. We are appropriating for 18 or 19 months, until July, 1922, only \$15,000,000, with \$41,658,334 on hand. On December

31, 1920, last year, we appropriated for eight months \$12,000,000, with practically \$60,000,000 unexpended; but of this \$41,000,000 that the Engineer Department says was on hand December 31, 1920, \$17,648,263 had already been contracted for.

The balance was available, but it had been allotted to certain projects for maintenance along certain rivers and certain harbors throughout the country. On December 31, 1920, the remarkable fact existed that there was unallotted from the 1920 appropriation, to run until the present bill might become a law, only \$1,633,000. That is all the engineers had on December 31, 1920, out of the \$12,000,000 appropriation that was passed last year for river and harbor improvements to take care of emergencies and everything—\$1,633,650. So it can not be argued this year that there is a large unexpended balance on hand. The facts are that for years and years there has always been on hand, unexpended on contracts where conditions had not been met, an amount that exceeded the \$41,658,000 that was on hand December 31, 1920, because it was stated by the War Department, in the consideration of the bill last year, that the amount then on hand unexpended was no greater than the amount usually carried as unexpended year by year. That money can not be used in every instance.

There are conditions imposed on certain contracts in the country. They say, for illustration, "We appropriate \$500,000 for a channel 23 feet deep, provided you will build a wharf half a mile long and a quarter of a mile wide, or provided that local interests will put up \$100,000 a year for five years." Conditions are imposed in that way, and the amount is appropriated and allotted on the theory that those conditions must be complied with. During the war there were many of those conditions not complied with because of the peculiar and abnormal conditions that prevailed throughout the country. So I say it is an unfair argument to state that there is a large amount on hand unexpended and that that should be added to the appropriation now being carried year by year.

What has been the history of river and harbor legislation heretofore? Let me read from the report of the chairman of the Committee on Rivers and Harbors of the House, Mr. DEMPSEY, and I think it is incorporated in the report of the Senate Committee on Commerce. They named the expenditure and tried to justify in part their action because of the expenditure of the War Department year by year for river and harbor improvement. Here is what they said:

The annual expenditures for works of river and harbor improvement, from 1896 to 1920, inclusive, have been as follows:

Then they cite the amounts on down the line through the years. In 1896 they expended only \$14,745,000. Then they go on down through the years, including the years of the war, and show the amounts expended. They show that in 1914 there was expended in round numbers, \$39,000,000; in 1915, \$37,000,000; in 1916, \$28,000,000; in 1917, \$23,000,000; in 1918, \$20,000,000; in 1919, \$21,000,000; in 1920, \$33,000,000. Then they take the average from 1896 down to 1920 of the expenditures during those years for river and harbor improvement and they say the average is \$22,662,962. They get that average by adding all of the expenditures for river and harbor improvements from 1896 to 1920 and dividing that result by the number of years, when the chairman of the committee which made the report knows that the Congress of the United States did not begin a consistent policy of river and harbor improvement through annual appropriation bills until some years after 1896; I think it was only about 1910. Back in 1898, I think it was, or at any rate a few years before 1900, they would pass a river and harbor bill sometimes only once in two years and sometimes only once in three years.

Everyone knows that the argument was made against river and harbor appropriations being provided according to the recommendations of the War Department during the recent war because it was said we should economize during the war so we could provide money for the Army, for the Navy, and for food and clothing for the soldiers and sailors. During the year 1918 only \$20,360,000 was expended. They could not expend above that amount because labor was too high and material was too high. The contracts could not be entered into for river and harbor improvement work, and so the amounts appropriated were low, and yet the Committee on Rivers and Harbors of the House state, and it is quoted in the report of the Committee on Commerce of the Senate, that \$22,662,962 is the average expenditure for river and harbor improvement from 1896 to 1920. If Senators will take from that list of expenditures year by year, the years during the war when curtailment was made in the expenditure of money because, as I have stated, of the high price of material and the high cost of labor, and take from it also those years that are included in the report before a definite and fixed policy of river and harbor improvement was en-

tered upon by the Government, when in some cases an appropriation for river and harbor work was made only once in three years, and in other cases only once in two years, they will find that the average expenditure year by year was \$30,000,000.

Take the last normal year of 1914 by way of illustration. That was when our policy had become fixed and definite, and we were beginning work along definite lines upon the rivers and harbors of the country, when the people had come to understand that our commerce must be maintained, that the rivers must be improved, that the harbors must be dredged in order that our merchant marine might enter and our commerce find its place in the markets of the world. We find in that year that we expended \$39,817,000, and yet the Rivers and Harbors Committee of the House, indorsed by the Committee on Commerce of the Senate, say that we must not this year appropriate more than \$15,000,000 for 18 months' work, until July, 1922, to take care of the rivers and harbors of the land, and that notwithstanding the fact that last year we gave the niggardly and measly sum of only \$12,000,000 for river and harbor improvement for the entire year.

If any member of the committee, if the chairman of the committee even, can justify that action, I should be delighted to hear from him. It can not be justified, except, as I said, they just thought it would be impossible to increase the amount even though they desired to do it and though it was necessary to do it, but they would not do it in order that they might be assured of passing the legislation during the closing hours of this session of the Congress. I sincerely hope that is true. Nothing would make my heart bleed more than to think that the distinguished Senator from Washington [Mr. JONES], the chairman of the committee, who has always fought for reasonable appropriations for rivers and harbors, had grown cold toward the proposition, lukewarm toward river and harbor improvement, turned his back upon his friends and those who have always fought side by side with him here in obtaining reasonable appropriations for rivers and harbors.

I know that the distinguished Senator from Texas [Mr. SHEPPARD], the distinguished Senator from Louisiana [Mr. RANSDELL], and the distinguished Senator from Florida [Mr. FLETCHER] have been pioneers in the work of river and harbor improvement. Their voices have rung in this Chamber for years in urging the Congress to take care of the great commerce that comes into our harbors and rolls over our rivers throughout the country. They have presided over river and harbor congresses; they have at their own expense attended conventions and associations all over the country. I know that their action on this occasion, their desire to have the \$15,000,000 appropriation, is based solely upon their belief that they could not get any more during this session of Congress.

But we can not allow the mystic, hypnotic influence of the House to prevail over us in withholding appropriations that are needed to carry on river and harbor improvement. I love the Members of the House, I love the associations over there, but in river and harbor appropriations the majority of the House are not in sympathy with the sentiment of the country for reasonable and adequate appropriations for rivers and harbors. They are not leaders who can be followed by men who believe in reasonable and adequate appropriations to maintain our commerce and river and harbor improvement. For my part, I shall not follow the House if they in their judgment see fit to appropriate only \$15,000,000, when they have been told the contrary by the experts of the War Department, when the facts justify more from every angle, when the facts stare them in the face in proof absolutely to the contrary of their action, and yet they reduce the amount to \$15,000,000.

Under those circumstances, when I know the amount appropriated should be more, I shall not only not follow them, but I shall combat them. If I thought the judgment of the Senate Committee on Commerce was wrong in the matter of the amount proposed to be appropriated, I could not afford to go down to the people in my State who are interested in maintaining the improvement of the great rivers and great harbors and justify my course by saying I have some very dear friends on the Committee on Commerce who believe that \$15,000,000 is the most that they should recommend to be appropriated. They know that a Senator of the United States has a vote, that he has the right to speak, and that he has the right to exercise his judgment and determine his own course of action, and that he should do it; and so every Senator here to-day will have the right to vote on the amendment which I have proposed.

If he votes against it, then he can go back to Walla Walla, or some other place in Washington; to Michigan, up to Minnesota, over to Boston, to Philadelphia, to Minneapolis, to Port-

land, down into Florida and Louisiana and Texas and everywhere else, and explain to the people there why his judgment dictated to him to vote against the amendment, and for only \$15,000,000.

But it can not be justified by the facts. Let us exercise our right as Senators. Let us follow our judgment, and let us have an amount which will reasonably maintain these harbors and these rivers for the next 18 months, and then if the House sees fit not to accept the increase we put on, let them answer to their constituents. But in the discharge of a duty, when we know that the facts warrant an increase, let us not be influenced to vote against it simply because we want to be with the House; because we do not want it to go to conference, and we can get out of a fight; that we can save a controversy; that we can put it over a day or two sooner than we would if it should go to conference. I am willing to see it go to conference. There, if it has to die, let the crisis be met. We have followed this niggardly, this unwise policy of refusing to provide adequately to protect these rivers and harbors, for some years now. There is not a harbor in the United States that is not filling up. There are too many dredge boats lying idle, rusting; there are too many rivers the banks of which have caved in, which have not been improved according to the great policy inaugurated some years ago to build up our commerce. Let us take the responsibility upon our shoulders. If the House does not want to accept it, and they want it to go to conference and let it die, then the fault will be with them; it will not be with us.

There is coming an extra session of Congress. I know what is going to happen to the harbors in my State, and Senators here need not be fooled as to what will happen to the rivers and harbors in their States. This is what will happen: The War Department says they need \$57,000,000. You are giving them by this bill \$15,000,000. In other words, for every \$4 they need, you are giving them \$1, and they can do one-fourth of the work on the harbor in your State or the river in your State, that the War Department says they need. The harbor and the river will suffer to that extent.

I am not willing to do it. I have seen these harbors fill up during the last six or seven years because of inadequate appropriations, and it is high time we started to do something to maintain the commerce we have expended millions and billions of dollars to build up. We appropriated three billion and a half to get a merchant marine. For what purpose? Pray tell me why we need ships, if you are going to let the harbors fill up, and they can not come in. It is an unwise policy. It looks as if everybody can get what he wants for other projects; every interest can be cared for, except the rivers and harbors of the country, which God Almighty gave us, and which we should improve.

Let a railroad measure come in, and everybody grabs it enthusiastically, and Senators run off with it. They do not care how much the amount may be. But a river and harbor bill has to be cut down to one-fourth of what is asked.

I am not for that. I want to see the railroads taken care of. I want to see the rates made reasonable, but I want at the same time to see the roadways of the country, the dirt roads, provided for, and the harbors and rivers cleared out, so that the great carriers of our commerce can sail over them, and you can not do it by voting for this bill reported by the Committee on Commerce.

I have some interesting documents here. They do not justify or excuse the action of the Senate Commerce Committee in reporting this \$15,000,000 bill. Listen, Senators, to this letter which the chairman of the committee was so kind as to give to me. I could not get it at the War Department; I could not find it in the hearings, because they do not hold any hearings. I could not find it as a printed document, because they do not have them printed. I know it is not because the committee does not want anybody who is not on the committee to know what they are doing, in order to criticize their action, because the Senator from Washington [Mr. JONES] was kind to me. I heard that such a letter had been written in this matter, and I asked him about it, and he gladly turned it over to me. Let me read it.

After the House had put over this niggardly bill, this measly appropriation of \$15,000,000, one-fourth of what the War Department said they needed, the Senator from Washington wanted to know what the War Department thought about it, and so, doubtless at the instance of the Commerce Committee, he wrote a letter to Gen. Beach. Here is one of the questions he asked him:

How much of the money provided in the last river and harbor act is still available for allotment?



The answer of Gen. Beach to that question is:

There still remains available for allotment from the funds provided by the last river and harbor act \$1,633,650.

It is an outrage, Senators, that only \$1,633,000 remains unallotted out of the last river and harbor act on December 1, which might have to run over the 4th of March. If some serious condition should develop suddenly which needed attention, what would you do? You have no money left over, and it is due to the action of the Congress in failing to provide adequate appropriations. Everyone who votes for these measly amounts, and against increasing the amount to a reasonable basis, is responsible for the condition stated there. December 1, \$1,633,650 of the amount that was appropriated last year is on hand now, not allotted.

Mr. President, if I misstate anything, if I give the wrong construction about any of these propositions, I do hope—indeed, I pray—that some member of the Senate Commerce Committee will call be to task, because I do not want to mislead anyone. I want to give the facts to the Senate. Further, Gen. Beach said:

This balance would have been allotted, and probably expended by this date, had it not been for the fact that it was regarded absolutely essential to maintain a small working balance applicable for unexpected emergencies which might occur. This balance would probably have been no larger than its present size had the appropriation in 1920 been fifteen million or twenty million.

Indeed, if it had been fifty million it would have been about the same amount, probably. You have to hold a little bit back. But the War Department will be forced to spend every nickel without holding anything back, because if they do not there will be Members of the House and Members of the Senate rising in their places and saying: "Oh, we have an unexpended balance up there," and take that as an excuse for not increasing the amount according to the recommendation of the War Department.

The Senator from Washington asked another question—and these are very pertinent questions he propounded to the general. The Senator from Washington asked Gen. Beach:

Has any apparent injury occurred to commerce that can be traced to our failure to appropriate more than \$12,000,000 in the last act; and if so, where did it occur?

That is a pertinent question. Here is the answer, quote a long answer, but he answered him:

I am not able to say that any apparent injury has occurred to commerce on account of the failure to appropriate more than \$12,000,000 in the last act. Numerous complaints have been received with reference to shoaling, but I have been able generally to allot funds sufficient for the removal of such shoals as were evidently causing serious obstruction to navigation. There has, however, been a great falling off in the rate of prosecution of some of the projects—

Listen to me, the senior Senator from Ohio; listen to me, the junior Senator from Ohio; listen to me, the junior Senator from Pennsylvania. Here is what Gen. Beach said:

There has, however, been a great falling off in the rate of prosecution of some of the projects, such as the improvements of the channels in New York Harbor—

I do not see at this time the distinguished Senators from New York. I shall tell them about it when they come into the Senate. I want their attention called to it, so that there can be no excuse for a vote against the amendment I have offered.

There has, however, been a great falling off in the rate of prosecution of some of the projects, such as the improvements of the channels in New York Harbor—

The other day a delegation from New York, headed by the mayor of New York City, came to Washington in the interest of river improvements. I do not know what assurances they got. They probably asked for bread, but they would get a stone if their Senators vote for the bill that is recommended by the Commerce Committee. But may I say to the senior Senator from Ohio that he does not confine it to New York City? May I say to the junior Senator from Pennsylvania that he does not confine it to New York City? He says:

There has, however, been a great falling off in the rate of prosecution of some of the projects, such as the improvements of the channels in New York Harbor, the Delaware River—

That great stream which needs improvement. Gen. Taylor told me no longer ago than yesterday that if this bill passes in this form, for two years improvements would stop on the harbors and the rivers of the country; that about all they could do with that amount would be to maintain their present condition. In other words, those localities which are striving, and have been striving so long to get an increase from a 17-foot depth to a 20-foot depth, must wait two years longer, with the amount that is recommended by the Senate Commerce Committee, the niggardly, measly sum of \$15,000,000.

He did not stop with the Delaware River. He said:

There has, however, been a great falling off in the rate of prosecution of some of the projects, such as the improvement of the channels in New York Harbor, the Delaware River, Southwest Pass—

Down near my State—

Southwest Pass, and Ohio River.

Gen. Taylor says no more work will be done; that the work there will be delayed two years unless this appropriation is raised from the \$15,000,000 provided for. I am wondering what the people along the banks of the great Delaware, what the folks up in Ohio and Indiana and Kentucky and Pennsylvania will say when they come to read that the work on the Ohio River and the Delaware River will be delayed for two years if this bill passes in its present form.

I can not believe that Senators will carry back to their constituents the sad news that prospective commerce on the great Ohio, on the Delaware, and in the big harbor of New York is to be delayed two years. But that is not all of this letter. It continues:

for which projects a sum larger than the balance now on hand would be required in order to permit of an increase in the rate of the progress of the work commensurate with the needs of the projects.

No funds were allotted to several projects where further improvement is desirable, as, for instance—

Listen to me, Senators from Washington. I hope the Senators from Washington will not turn a deaf ear to what Gen. Beach says in his letter to one of the Senators from that State touching one of the great projects in that State in the far Northwest—

No funds were allotted to several projects where further improvement is desirable, as, for instance, Grays Harbor, Wash., where a seagoing hopper dredge for the work on the bar is greatly needed.

While no specific cases of injury have occurred, this is believed to be due to the fact that the money available was applied to those cases most needing action, and the amount appropriated was sufficient to cover only the emergency cases which arose during the past year.

That is, no injury took place, but there was no progress in improvements. There was delay, of course; only the emergency cases were they able to take care of.

Gen. Beach further says:

Deterioration to works for protection of navigation and the silting of dredged channels is a gradual process; one, however, to which the old proverb of a stitch in time saving nine is fully applicable. There are cases of deterioration of breakwaters which have received no attention, and the damage has not yet become serious. A heavy storm might do great damage should these defects not be repaired at an early date. To fail to provide sufficient money for their protection would be penny-wise and pound-foolish.

So says the general who has in charge all the river and harbor improvement work. Here is the other question that was propounded to Gen. Beach by the chairman of the Committee on Commerce. It is a pertinent inquiry:

Do you think any special injury will occur to commerce during the coming year with an appropriation of only \$15,000,000; and if so, give your specific reasons therefor?

Now, let us see what Gen. Beach answers to that. Why did the chairman of the committee ask these questions if the answers to them would have no influence upon the committee? There is not a single answer to any question which was propounded by the chairman of the committee and which was responded to by Gen. Beach that is favorable to the action of the committee in failing to increase the amount proposed to be appropriated by the other House.

I called attention while the Senator from New York was temporarily out of the Chamber to the grave condition that would ensue to the harbor of New York City, as Gen. Beach says, if this appropriation should remain at \$15,000,000 and the amount that is carried in my amendment should not be appropriated. This letter deserves the closest analysis by Senators who are interested in the improvement of the rivers and harbors in their States. I take it, however, that certainly the Commerce Committee of the Senate does not lean upon the letter which was written by Gen. Beach to the chairman of the Committee on Commerce in justification of the action of that committee in appropriating merely \$15,000,000 for the coming 13 months to improve the rivers and harbors of the country.

Said the Senator from Washington to Gen. Beach:

Do you think any special injury will occur to commerce during the coming year with an appropriation of only \$15,000,000; and, if so, give your specific reasons therefor?

Here is the answer of Gen. Beach:

I am very confident that with an appropriation of only \$15,000,000 injury will be done to commerce during the coming year.

And yet with that succinct, that brief, that pointed answer in response to the question propounded by the letter of the chairman of the committee to Gen. Beach, the committee disregards what Gen. Beach says and answers him that "we care not." I know they did not think that, but I do think that their action is susceptible to that construction. When the question was put to Gen. Beach, as the Senator from Washington put it to him in this letter, and Gen. Beach answers back, saying, "I am very confident that with an appropriation of only \$15,000,000 injury will be done to commerce during the coming year," some people who do not

know these Senators as well as we know them might put the construction on the action of the committee that they did not care whether they injured commerce during the coming year or not; but certainly they were warned, the result was foretold to them that with merely \$15,000,000 of appropriations commerce during the coming year would be injured. I am still wondering why the question was put to Gen. Beach. Certainly if he answered in the affirmative, if he answered that they could not get along with \$15,000,000 and that commerce would be injured by such a small appropriation, they did not expect to increase the amount, because they did not increase it. If Gen. Beach had answered back and said, "Yes, every river and every harbor in the United States will be affected by it; commerce will be affected by it," I do not think the answer could have been any stronger than the one he made, "that with an appropriation of only \$15,000,000, injury will be done to commerce during the coming year."

Gen. Beach further said:

The reason that no injury has been done to commerce during the past year has been due to the fact that there was on hand at the time of the passage of the last act a large unexpended balance, which has been used in addition to the appropriation of \$12,000,000 for the prosecution of necessary work.

That explains why greater injury was not done to the rivers and harbors of the country in consequence of the small appropriation of \$12,000,000 made last year, there having been a large unexpended balance on hand, amounting last year, I think, to about \$60,000,000.

Let us see how much the engineers expended during the last six months. I have here a statement of the expenditures from June 1, 1920, to December 31, 1920, month by month. In June, 1920, they expended \$3,426,990; and then follow the figures for July, August, September, October, November, and December, totaling for those months \$25,626,572. At that rate, over \$40,000,000 would be expended in 12 months. They have just reached the point where they can spend some of the money which was appropriated by past Congresses, and which was lying unused, awaiting the time until conditions should be improved, until the cost of labor might be reduced and the cost of materials might be decreased. So, notwithstanding the fact that Congress appropriated only \$12,000,000 last year, they have expended during the seven months of June, July, August, September, October, November, and December \$25,626,572, or at the rate of over \$40,000,000 in 12 months. At that rate how long would this measly little \$15,000,000 appropriation last which it is proposed that we shall appropriate for 18 months, or until July, 1922? At the rate the engineers have been expending money during the months I have indicated, sometimes running as high as \$4,484,423, as was the case in November, in 18 months they would expend in the neighborhood of \$70,000,000. Yet we are asked here to accept the beneficent, the magnificent, sum of \$15,000,000 to carry on this great work for the next 18 months.

The letter goes further:

It will be seen that the total expenditures during these seven months have exceeded the appropriation made by the act of June 5, 1920, by \$13,626,572.14. During these months, as stated above, the work on many projects has not been prosecuted as rapidly as it should have been, and should an appropriation of not more than \$15,000,000 be now made it would be necessary to very greatly reduce the rate of progress which has been maintained during the past seven months.

Yet in the face of that warning from the Engineer Department we are requested here to vote to sanction the \$15,000,000 appropriation recommended by the Committee on Commerce.

He says further:

During these months, as stated above, the work on many projects has not been prosecuted as rapidly as it should have been, and should an appropriation of not more than \$15,000,000 be now made it would be necessary to very greatly reduce the rate of progress which has been maintained during the past seven months. In fact, I anticipate that the \$15,000,000 would provide very little more than is necessary for the maintenance of existing projects and would leave little for the prosecution of further improvements.

I am wondering if Senators know the meaning of that phrase and what it means to your constituents in the great city of New York, where now they are clamoring for the improvement of the harbor; I understand that a delegation from that city was down here not long ago. May I ask the Senator from New York whether a delegation headed by Mayor Hylan was not down here the other day about the New York project?

Mr. CALDER. Mr. President, in answer to the Senator from Mississippi, I will state that there was such a delegation. They were anxious to have improvements made to Jamaica Bay, and I am hopeful that at the next session we can have that done.

Mr. HARRISON. I am hopeful that it can be done this year. In the case of a great city like New York, with its teeming millions, with commerce from all over the country flowing into it, we ought to begin the improvement immediately, without delay. In the extra session of Congress there are going to be so many speeches made on this treaty proposition, and so many con-

flicting views on the tariff, that I am afraid we are going to be able to discuss nothing else. The Senator from Utah does not think we are going to have another river and harbor bill at the extra session of Congress. The chairman of the committee says he does not think we will. No one thinks we will. If we are going to do anything for the next 18 months for New York City, and the Ohio River, and the streams and harbors of Indiana, and the Missouri River, and up in Maine, and over in Oregon, and in Michigan, and in New Hampshire, and other States we must begin now to do it. It should not be delayed 18 months, as it is liable to be. "Now is the accepted time," as the Senator from North Carolina says.

In fact, I anticipate that the \$15,000,000 would provide very little more than is necessary for maintenance of existing projects and would leave little for the prosecution of further improvements.

Everything must stop. There must be no more improvements, but we must just maintain the present condition. If a harbor has a depth of 17 feet and ships are lying at anchor 20 miles off drawing 20 feet, they must wait two years before they can get a ray of hope that the Congress of the United States is going to begin to appropriate money to increase the depth. All of these improvements must stop. We must just try to maintain the present conditions. We have been doing that too long already.

Gen. Beach says further:

I can not too strongly urge upon you the necessity for pushing work on certain of the improvements, particularly the channels in New York Harbor. By this I mean the channels in the Hudson River along the New Jersey front, and in the upper bay opposite the Tompkinsville anchorage, where they are of insufficient width and depth, and accidents have occurred.

Gen. Beach, Chief of the Board of Army Engineers, vitally interested in the great harbor of New York and in the harbor along the New Jersey shore, is pointing out to the Senate that it is necessary, in order to get this improvement, that this amount shall be increased. He is specifically calling the attention of the Congress to this great improvement. We can not afford to turn a deaf ear to him. It should be provided, and 18 months must not elapse before that work is started.

But Gen. Beach does not stop at New York Harbor. He says:

I can not too strongly urge upon you the necessity for pushing work upon certain of the improvements, particularly \* \* \* New York Harbor, \* \* \* Delaware River.

I again call the attention of the Senators from Pennsylvania to the fact that Gen. Beach says "particularly the improvement on Delaware River," and that if this appropriation remains at \$15,000,000 the Delaware River can not be taken care of. It is impossible to take care of it. That great improvement will be handicapped and the work there curtailed.

On Delaware River from Philadelphia to the sea.

That work, from Philadelphia to the sea on the Delaware River, says Gen. Beach, should be provided for, and the \$15,000,000 provided in this appropriation bill will not be sufficient to carry on that improvement.

But he does not stop there:

Savannah Harbor, Ga.

That work must be stopped if the appropriation is held down to merely \$15,000,000.

Jacksonville, Fla.

The work there must be stopped. No improvements can be made, but merely present conditions maintained if the bill should pass as recommended by the Commerce Committee.

Mobile, Ala.

The improvement there will be curtailed.

The Passes at the mouth of the Mississippi River.

That great improvement, about which at one time diplomats sat around the conference table and nations almost went to war—the Passes at the mouth of the Mississippi River—says Gen. Beach, the improvements there will be held up for 18 months with the measly, niggardly appropriation of \$15,000,000 that is provided for in this bill.

Los Angeles, Calif.

I do not see at this time the Senators from California; but the War Department, through the Chief of the Board of Army Engineers, points out that that great harbor in that Mecca for motion-picture stars will be greatly curtailed and the improvement will be held up for two years with the little appropriation of \$15,000,000 carried in this bill.

I see, in this letter—

Columbia River, Oreg. and Wash.

The attention of the Senators from Washington and Oregon is especially called to the fact that Gen. Beach says that the improvements on the Columbia River in the States of Washington and Oregon will be held up with the little, inadequate appropriation of \$15,000,000 provided for and suggested by the



Senate Commerce Committee to be indorsed by the Senate of the United States.

Grays Harbor, Wash.

I have no doubt that when the eyes of the Senator from Washington, in reading this letter from the Chief of the Board of Army Engineers, fell upon the fact that Grays Harbor, Wash., would not be provided for with the inadequate, unreasonable, inexcusable, unjustifiable appropriation that the Committee on Commerce have recommended here, it immediately excited his curiosity and his interest. I notice, in this letter that the Senator from Washington has been so kind as to give to me, that he has underscored "Grays Harbor, Wash." It should be underscored. If I were chairman of a committee such as the Committee on Commerce, and in answer to a question that I had propounded the Chief of the Board of Army Engineers should write back to me that the improvement at Gulfport Harbor, Miss., would stop for 18 months, it would excite my curiosity, it would stir every fiber in me, and I would not only underscore it with a black pencil but I would get out a red pencil and mark it as well.

Ship channel on the Great Lakes, from Duluth to Buffalo.

Let me call the attention of the Senator from Minnesota and the Senators from New York to this matter. I see sitting before me the distinguished and affable and splendid Senator from Michigan [Mr. TOWNSEND]. I wonder if he has read this letter, and if the fact has been called to his attention that the improvement of the great ship channel on the Great Lakes, from Duluth to Buffalo, will stop. That big improvement going on near Detroit, the Livingston Channel, not far from Detroit—that great improvement that the splendid city of Detroit, that thriving center of the automobile industry, where the chambers of commerce and the boards of trade and the associations and the progressive citizens not only of Detroit but of that whole country are interested—the Livingston Channel improvement will be held up for 18 months if the measly sum of \$15,000,000 recommended by the Committee on Commerce is provided.

Mr. MOSES. Mr. President—

Mr. HARRISON. I yield to the Senator.

Mr. MOSES. Am I to understand from the Senator that this sum is so small that he spurns it?

Mr. HARRISON. I almost spurn it, when I see that the commerce of this country is affected by the action of the Senate, it is such a measly sum that it is almost a species of waste. I do not know whether they have any river and harbor work up in New Hampshire, at Portsmouth.

Mr. MOSES. Not a dollar, Mr. President.

Mr. HARRISON. Not a dollar goes there? That is why the Senator is not at all interested in it, then. He used to be. There was a time when the Senators from New Hampshire were interested in the river and harbor bill. There was a time when the Senator from New Hampshire would vote for a river and harbor appropriation, and work before the committee to see reasonable appropriations made for Portsmouth, or perhaps for some river up there.

Mr. MOSES. No; we never were so lucky. New Hampshire has always been unlucky in that respect.

Mr. HARRISON. May I ask the Senator how deep the harbor is at Portsmouth?

Mr. MOSES. About 40 feet.

Mr. HARRISON. Has the Government never appropriated any money for it?

Mr. MOSES. Never but once, I think.

Mr. HARRISON. How long ago was that?

Mr. MOSES. About 12 or 15 years ago.

Mr. HARRISON. I shall come back to New Hampshire in a moment, as soon as I find some data.

Mr. MOSES. I wish to cooperate with the Senator from Mississippi if his object is to get some money into New Hampshire.

Mr. HARRISON. The Senator does not get anything in the bill for his State?

Mr. MOSES. Not a dollar.

Mr. HARRISON. Well, that is a pity.

Mr. THOMAS. Neither does Colorado.

Mr. SMOOT. Nor does Utah.

Mr. HARRISON. There are other States that will not get anything. No State will get more than about one-fourth of the amount it really deserves.

Mr. SMOOT. Mississippi will get the biggest part.

Mr. HARRISON. Mississippi will get about one-fourth the amount it should obtain for the great harbors at Gulfport and Pascagoula and for the rivers down there.

But I have not finished reading the letter:

Ship channel on the Great Lakes—

I do not know whether the Senator from Michigan [Mr. TOWNSEND] heard it when I read the last item, wherein Gen. Beach said the improvement would necessarily stop with the inadequate appropriation of \$15,000,000. I see the Senator from Minnesota [Mr. KELLOGG] is now in his seat. I read again from Gen. Beach's letter:

Ship channel on the Great Lakes from Duluth to Buffalo; and various harbors on the Great Lakes where further improvement or extensive maintenance work is required, without considering at all the many navigable rivers in the United States.

The permanent structures protecting many of the harbors on the Great Lakes have deteriorated, as the lack of sufficient appropriations during several years past has prevented their rebuilding, until now several of them have reached a stage of dilapidation where further neglect is certain to cause injury to the harbors and greatly added expense to the United States for the reconstruction of the works.

The other question propounded by the Senator from Washington:

What, in your judgment, is the lowest possible sum that will meet the needs of our commerce during the coming fiscal year, and if a greater sum than the \$15,000,000 is required, state the minimum sum you think we will need and give the reasons therefor?

The latter part of the response answers the question when he said that—

As a result of this careful consideration, I am satisfied that the minimum amount which should be appropriated is \$33,000,000. This allows only for the prosecution of the work urgently necessary and at a very moderate rate.

Mr. President, this is not all. I have a letter that was written by Gen. Beach to Congressman SMALL, former chairman of the Committee on Rivers and Harbors of the House, now ranking minority member of that committee. I wish to place it in the RECORD, because all the facts therein should be known to Senators before they vote on this very important proposition. I dislike very much to offer the amendment. I always like to get along in a peaceable way. I dislike this kind of controversy, but when the material interests of the country are at stake I am, like almost any man, anxious to see that the harbors in my own State shall be cared for, and particularly when I know they are certain to be embarrassed and handicapped and injured by this small appropriation. Then I can not sit still and, without a vigorous protest, see this small amount appropriated for such great work.

In the letter from Gen. Beach to Mr. SMALL—and I shall incorporate the whole letter—he made this statement:

The statement that there was on hand an unexpended balance of \$47,149,006 on the 1st of December, 1920, is correct. Information regarding the balances was given in a letter addressed to Senator JONES under date of December 27, 1920, a copy of which is herewith.

4. As further corroboration of the reasonableness of the estimate submitted in my annual report—

That was \$57,000,000—

It may be stated that the actual expenditures for the six months, July to December, 1920, inclusive, amounted to \$22,199,581.77, or an average of almost exactly \$3,700,000 per month. It may be safely assumed that the river and harbor bill following the pending bill will not become a law prior to the 1st of July, 1922. There is, therefore, a period of 19 months to be provided for, from the 1st of December, 1920, to the 1st of July, 1922.

Seventy million three hundred thousand dollars, said Gen. Beach, will be required until July, 1922, and yet we are handed an appropriation of \$15,000,000 by the Committee on Commerce.

At the same rate of expenditures as have prevailed in the last six months, \$70,300,000 will be required for the work until the 1st of July, 1922. If every dollar appropriated could be expended at that time a further appropriation at this time of \$23,000,000 would be sufficient.

If every dollar could be expended, \$23,000,000 would be necessary.

I ask to incorporate the whole letter in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered. The letter referred to is as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, January 29, 1921.

Subject: Estimates for river and harbor work.

Hon. JOHN H. SMALL,  
House of Representatives.

MY DEAR MR. SMALL:

1. Receipt is acknowledged of your letter of January 28, quoting certain statements made by you relative to the estimates for river and harbor work and asking that I give you a statement as to the correctness of your position.

2. In reply I beg to say that the statements made by you that the estimates submitted to Congress are made after taking into consideration balances on hand, and that the available balances, with certain minor exceptions, are to the credit of certain specific projects and can not be diverted to other projects except by authority of Congress, are perfectly correct. In the paragraph "Proposed operations," which forms a part of the annual report for each improvement, will be found a statement of the use which it is proposed to make of the funds on hand and the funds for which estimates are submitted. An examination of these paragraphs will plainly show upon what the estimate is based in each case, and the reasonableness of such estimate can be arrived at by a reading of the report.

3. The statement that there was on hand an unexpended balance of \$47,149,006 on the 1st of December, 1920, is correct. Information regarding the balances was given in a letter addressed to Senator Jones under date of December 27, 1920, a copy of which is herewith.

4. As further corroboration of the reasonableness of the estimate submitted in my annual report it may be stated that the actual expenditures for the six months July to December, 1920, inclusive, amounted to \$22,199,581.77, or an average of almost exactly \$3,700,000 per month. It may be safely assumed that the river and harbor bill following the pending bill will not become a law prior to the 1st of July, 1922. There is, therefore, a period of 19 months to be provided for, from the 1st of December, 1920, to the 1st of July, 1922. At the same rate of expenditures as have prevailed in the last six months, \$70,300,000 will be required for the work until the 1st of July, 1922. If every dollar appropriated could be expended at that time, a further appropriation at this time of \$23,000,000 would be sufficient, but, for various reasons, it is impossible to expend every dollar. Among these reasons may be mentioned the fact that the work under contract could not all be completed at an exact date. There was, for example, on the 1st of December, 1920, outstanding contracts and liabilities of \$19,548,080. This is probably about an average amount outstanding on any given date and would not likely be much reduced the 1st of July, 1922, if work proceeds at a reasonable rate. If this is added to the \$23,000,000, it brings the amount which must be appropriated to continue work even at the present rate to \$42,700,000. There is also necessarily more or less money which can not be expended on account of local conditions precedent to the commencement of the work not being fulfilled, impracticability of making contracts or doing work at certain times on account of shortage of plant, and for other reasons.

5. In the foregoing it has been assumed that work would be continued only at the rate which it has been in the past six months, but unfortunately even in the past six months the funds have not been sufficient to carry on all work as rapidly as it ought to have been carried on, and in a number of cases work of maintenance which has been actually needed has not been done for lack of funds or other reasons, and some much-needed improvement work has not been undertaken.

Very truly, yours,

LANSING H. BEACH,  
Major General, Chief of Engineers.

Mr. HARRISON. Those are the facts in the matter. Realizing the necessity for river and harbor improvement, realizing the inadequacy of the amount suggested by the House and indorsed by the Senate Committee on Commerce, knowing that we have to go for 18 months with only a \$15,000,000 appropriation, knowing and realizing what we have been up against for the past few years in the way of high labor costs and high material costs, failure to improve and carry on the work of improvement in the rivers and harbors throughout the country, it does seem to me that there should be a stop put to that kind of policy and that we should now in the dawn of a new era appropriate at least a sufficient amount to carry on the necessary work as stated by Gen. Beach with reference to the rivers and harbors of the country.

Last year we appropriated, I do not recall the exact amount, but I think \$350,000,000 for the Army—\$350,000,000!

Mr. LENROOT. In addition to that appropriation the War Department expended \$54,000,000 more than was appropriated. If the Senator's party had not done that it might have been possible to increase somewhat the amount appropriated in this bill.

Mr. HARRISON. I am glad the Senator from Wisconsin can reconcile his feelings and his conscience and offer the excuse to his constituents that because the War Department spent \$54,000,000 more than it should have spent for something else pertaining to the Army he feels justified in voting for the expenditure of only \$15,000,000 for the rivers and harbors of the country when they recommended \$57,000,000 for the work.

Mr. LENROOT. If the party to which the Senator belongs had not wasted the money of the taxpayers and spent it like drunken sailors, it would not have been necessary to hold the appropriation in the pending bill down to its present amount.

Mr. HARRISON. Oh, yes; the Senator wants to inject some politics. I dislike to talk politics. I know that the Senator has gotten into the habit of trying to criticize this and that, picking flaws about everything, overlooking the big policies touching our domestic and foreign affairs in order to find some little speck against some member of the present administration, so that he can not see the great problems now confronting the Nation. I think the members of the Senator's own party answered, and answered well, such unwarranted and unjustifiable criticism as he and others have made against the administration in power. The administration has done pretty well. It has made mistakes. It was expected that it should make mistakes.

No party charged with the great responsibilities that have been placed upon the shoulders of the men in the various executive offices during the past four years could have run the Government without making mistakes. The Senator's own party made mistakes during the Spanish-American War. All parties make mistakes during war times. Mistakes were made during this war by Republicans in the administration as well as Democrats in the administration. Such charges can not be hurled at any one party. Gen. Dawes before the committee of the House sufficiently stamped such criticisms as the Senator now suggests.

Mr. LENROOT. Will the Senator yield?

Mr. HARRISON. Certainly.

Mr. LENROOT. I made no reference to expenditures during the war. I referred to the expenditure of the present year—two years after the war was over.

Mr. HARRISON. I do not know just what the Senator is talking about. He is talking about the War Department expending \$54,000,000 while I am talking about river and harbor improvement.

Mr. LENROOT. The only reference I made to expenditures was the specific item of exceeding by \$54,000,000 the appropriations made by Congress for the support of the Army for the present year. I then stated that if this administration, not speaking of the period during the war, but since the war, had exercised any degree of economy it would not have been necessary to hold the pending bill down to the amount that it is necessary now to hold it.

Mr. HARRISON. I do not know how the Senator voted, but some of us over on this side tried to keep down the large Army. I do not think the Senator was one of those who tried to place it at 200,000; I believe he voted to reduce it to 150,000. I am glad to know the Senator possessed that virtue. There were some who tried to reduce expenditures. There is no one who believes in waste, extravagance, useless expenditure. Mistakes are always found, and the Senator finds more than anybody in the world, because he has always got his eye peeled for them. He is to be congratulated on it; and when the Senator's party gets in control after the 4th of March in the Government offices he is going to find mistakes. Does the Senator think his party will not make mistakes?

Mr. LENROOT. I am hopeful that the party will not make any such horrible mistakes as are being made daily by the Senator's party now in power in the administrative part of the Government.

Mr. HARRISON. The Senator makes a blanket charge about \$54,000,000.

Mr. LENROOT. Does not the Senator know that the administrative side of the Government to-day is asking for \$350,000,000 more than the Senate is willing to give them for the support of the Army?

Mr. HARRISON. As the Senator knows, his party has been in control in the House and in the Senate for the past two years and that the estimates are high, that they should have been high, that many of them are high because the last Congress did not make adequate appropriations to carry out some of the recommendations of many of the departments. I voted to keep those appropriations down. I voted for the strictest kind of economy in the Army. When the Army appropriation bill comes up I am going to vote to reduce the amount that the Committee on Military Affairs have recommended. I am going to do the same with reference to the Navy. I have done it ever since I have been in Congress. The Senator's strictures do not apply to me. They should not apply to any one, because they are not specific. I do not know what the Senator is hinting at all.

Mr. LENROOT. I was not applying my stricture to the Senator from Mississippi. I was applying it to the administrative officers of the Government, who happen to belong to his party.

Mr. HARRISON. The biggest mistake my party made during the years it has been in control was to put in too many of the Senator's party, who made a great many of the mistakes, and blamed them on our fellows.

Mr. LENROOT. Is the Secretary of War a Republican?

Mr. HARRISON. The Secretary of War is a splendid Democrat, and a mighty good man. The Assistant Secretary of War, I think, was a Republican, and I think he had about two other in there who were Republicans.

Mr. WADSWORTH. The Senator is mistaken on that. He was a Democrat, but felt compelled to turn Republican.

Mr. HARRISON. That was before he came under the mystic influence of the Senator from New York, who got him wrong. The Chief of Staff is a Republican, and I think the Senator is wrong about the Assistant Secretary of War. But I think Senators on the other side will take advantage of some of the mistakes we made along that line, and I judge, from the smiles on the faces of some of my friends over on the other side, that they are not going to put many Democrats in those high places, so that if they should make mistakes, they would be blamed on Republicans. But your crowd will make enough mistakes, and if the Senator from Wisconsin will be as alert in the future as he has been in the past, and help us to point out some of the mistakes, we can probably save much for the Government of the United States. Just join with us.

Mr. SMOOT rose.

Mr. HARRISON. I apply that to the Senator from Utah, too, Mr. SMOOT. I will do it.



Mr. HARRISON. I will be with you.

Mr. SMOOT. I am afraid I will never get the Senator's vote, though.

Mr. HARRISON. Yes; the Senator will. He will get my vote. I vote with the Senator a great deal, except when he seeks to put a burden on the backs of the American people by placing a high tariff on wool, and sugar, and things of that kind. When he stands for economy, I am with him. I do not know whether I can stay with him on this fortifications bill or not, because he has fallen under the spell of extravagance in that bill. Last year I think we appropriated \$8,000,000 for fortifications, and the Senator has brought in a report for fortifications for over \$18,000,000, ten million increase.

Mr. SMOOT. Oh, no.

Mr. HARRISON. I may be mistaken, but I have the report here of the Senator, and I can do no better than read it.

FORTIFICATIONS APPROPRIATION BILL, 1922.

Mr. SMOOT, from the Committee on Appropriations, submitted the following report to accompany H. R. 16100:

The Committee on Appropriations, to which was referred the bill (H. R. 16100) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1922, and for other purposes, reports the same to the Senate with amendments, and presents herewith information relating thereto:

Amount of regular and supplemental estimates for 1922-----	\$35, 676, 533. 66
Amount of House bill-----	8, 038, 017. 00
Bill as reported to Senate-----	No change.

Unexpended balances covered into the Treasury by House bill-----	233, 555, 760. 00
Additional unexpended balances covered into the Treasury as recommended by Senate committee-----	17, 251, 868. 28

Mr. SMOOT. Mr. President, the Senator from Utah has reported it, the fortifications appropriation bill, and wants action on it by the Senate, not adding \$17,000,000, but we are putting unexpended balances of \$17,000,000, more than was put in by the House, back into the Treasury of the United States.

Mr. HARRISON. That is what you claimed credit for during the last Congress, that you had saved the taxpayers in reducing the expenditures so much, and now you come in and take that money and put it back into the Treasury at this time, when it is the departments here that saved it, which did not spend it. It is unexpended and we get no credit for it. Yet last year you took credit for saving that amount.

Mr. SMOOT. The Senator would not make that statement if he knew the situation as it is.

Mr. HARRISON. The great trouble is that nobody ever knows the situation just as the Senator from Utah does.

Mr. SMOOT. I will tell the Senator one thing, that when the Senator hears the Senator from Utah make a statement he will find that it is correct.

Mr. HARRISON. Now, one moment. In the discussion of the Agricultural appropriation bill the other day the Senator from Utah stated that an item was carried in the sundry civil bill that we were trying to appropriate for in the Agricultural bill, and he finally admitted that it was not carried specifically in the sundry civil bill.

Mr. SMOOT. No, Mr. President, the Senator from Utah did not admit it, but the Senator from Utah the next morning put a letter in the Record from the Secretary of Commerce, Mr. Alexander, in which he stated that it was a duplication of work, and for that work an appropriation was carried in the sundry civil appropriation bill, just as the Senator from Utah had stated.

Mr. HARRISON. I thought the Senator was clearly convinced the other day that he was wrong on that proposition.

Mr. SMOOT. No; I was not, and I am not wrong.

Mr. HARRISON. All right; go ahead.

Mr. SMOOT. Mr. President, those appropriations were made away back in 1916, 1917, and 1918. They were made at a time when it was not a question of how much money we were going to appropriate; it was just a question of how much the Secretary of the Navy or the Secretary of War asked for.

Mr. OVERMAN. It was during the war.

Mr. SMOOT. I have said on this floor time and time again that I did not care what the Secretary of the Navy or the Secretary of War demanded of Congress by way of appropriations when we were in war—that if they said it was absolutely necessary I was going to vote for the appropriation—and I think every Senator here will bear me out that I did. But, Mr. President, with all the extravagances, and with all the waste of public money, those amounts were so mammoth that it was impossible to spend the money we appropriated. So, as I said some time ago, I determined that the unexpended balances of appropriations made by Congress, not for that year, not for the following year, but until expended, should be put back into the

Treasury of the United States, and that is what the fortifications appropriation bill does. It is not an appropriation that was made for this year, it is not an appropriation that was made for last year; it covers appropriations that were made after we went into the war, and they even began in 1916, and those appropriations were made, not for any particular time, but they were to remain to the credit of the War Department or the Navy Department until expended. Now, in that bill, we simply say that not a dollar of the unexpended balance of those appropriations for the War Department or the Navy Department shall hereafter be spent, and we repeal the law and put the money back into the Treasury of the United States.

Mr. HARRISON. I congratulate the Senator from Utah on admitting that the departments here saved that amount of money, for the expenditure of which they had been charged with extravagance by the Senator.

Mr. SMOOT. No, Mr. President, the Senator is wrong there. They did not save the money. It was absolutely impossible for them to expend it; we gave them so much.

Mr. HARRISON. Why did you give them so much, and then charge us with extravagance?

Mr. SMOOT. We gave it just because of the fact that the Secretary of War said it was absolutely necessary in order to win the war, and if he had asked for a billion more, or two billion more, I would have voted for it.

Mr. HARRISON. And in the spirit of economy he saved it, and did not spend it. Now you are covering it back into the Treasury of the United States.

Mr. SMOOT. No, Mr. President; we gave him so much money that he could not find ways to spend it, and the wicked waste was not sufficient to take it all.

Mr. HARRISON. That is where the definition of waste comes in from the Senator, and the Senator charged us with extravagance. They appropriate so much money, and now the Senator is fussing at the department for saving the money you appropriated.

Mr. SMOOT. I am not fussing with them at all; and if the Senator wanted to know just what I mean by public waste, I could stand on this floor for the next 12 hours and bring cases to his attention, and to the Senate's attention, which were next to a criminal waste of public money. Take the Air Service, for instance. The Senator knows about that.

Mr. HARRISON. No; I want to discuss river and harbor problems. When the Senator gets through with his reorganization of all this Government work, which I hope to cooperate with him in, we can fix this thing right. There will not be any reason then to complain any more. There will not be any overlapping of jurisdiction or any useless expenditure of money. We will have the thing working in perfect harmony and unity.

Mr. SMOOT. The Senator is a member of that commission, and I look forward with the greatest delight to his assistance and his valued recommendations as to the reorganization of the departments of our Government, with a view to cutting out every duplication of work, and if the Senator had studied it as much as I have—

Mr. HARRISON. I have not. I do not see how the Senator finds so much time to study it.

Mr. SMOOT. If the Senator knew how late I went to bed, he would know.

Mr. HARRISON. The Senator should go to bed earlier. Then he would not be in such a bad temper sometimes.

Mr. SMOOT. I was very glad to hear the Senator say that he is going to assist in that work.

Mr. HARRISON. I want to follow the Senator's lead.

Mr. SMOOT. Mind you, you have to work at night; and, mind you, this thing can not be done in three months or four months or five months or six months. If the reorganization of our Government departments is completed and the duplication of work taken out, it means a steady, hard grind for the next year and a half.

Mr. HARRISON. I want to get it finished in two years, because at the next election we will come into control of the Senate, and Senators on the other side may change their sentiments.

Mr. OVERMAN. We have been talking about reorganization for the last 10 years, and I expect we will all be dead before it is realized.

Mr. SMOOT. That was the Senator's party.

Mr. OVERMAN. Before we came in they were talking about it.

Mr. HARRISON. I was diverted from the main channel of my thought. When I was interrupted by the Senator from Wisconsin, I had started out by calling the attention of the Senate to the fact that last year we appropriated practically \$350,000,000 for the Army, and \$550,000,000 for the Navy; and

several millions for fortifications; I do not know what it was, but quite a large amount. We only appropriated at that time \$12,000,000 for rivers and harbors. This year I do not know whether the Military Affairs Committee of the Senate will reduce the amount in the Army appropriation bill much or not; I hope so. Anyway, it will be around \$250,000,000, I should imagine, and for the Navy it will be approximately four hundred or five hundred millions.

It does seem to me, Senators, that when we are expending that amount of money to maintain our Army, to be utilized in times of war, and to maintain a large Navy, to rival the navy of any other world power, we can certainly afford to expend at least an amount of money for river and harbor improvements that it would cost to construct, say, one battleship, or to pay for a little while for one regiment of soldiers. I do not know what a battleship costs now. When I first came to Congress, 10 years ago, I think it cost about eight or nine or ten million dollars. They have been climbing in cost so much that I imagine now they cost around twenty million, or maybe more than that. Perhaps the Senator from Florida can tell me.

Mr. TRAMMELL. About twenty million.

Mr. HARRISON. If you allow one rock or bed of sand to be formed in one harbor in this country, you might lose a great naval battle, in which all these battleships must be engaged. A little appropriation to clean out the harbors of the country, in the event we should get into war again, might save millions and millions of dollars against a destruction of battleships, and the loss of the Navy, and thousands and thousands of soldiers.

Mr. President, I have said about all I desire to say on this subject. The question is up to each individual Senator as to whether or not he will vote against the recommendation of the War Department, and vote only \$1 to the project in his district, whether it is river or harbor improvement, and not \$4, as recommended for adequate and proper improvement.

I hope that the amendment which I have offered providing for an increase of the appropriation to \$33,000,000 will prevail. We ought to appropriate \$57,000,000, as was recommended by the War Department. The \$33,000,000 which I propose will not do the work, but, as stated in the letter to the chairman of the committee, and also by Gen. Taylor before the House Committee on Rivers and Harbors, \$33,000,000 is the least sum that should be provided to do the necessary and emergency work.

Mr. JONES of Washington. Mr. President, I shall not take very much time to discuss this matter. The temptation to proceed along certain lines is very great, but I shall not do so. I know that the Senator from Mississippi has enjoyed himself very much for the last hour or two, and I also have enjoyed his address very much.

The situation that confronts us is rather a simple one, Mr. President. Last year the engineers reported and recommended that we should appropriate at least \$24,000,000; they said they could not possibly get along with less than that sum; that commerce would be very greatly injured unless that amount was appropriated. The Congress did not agree with them in that respect and appropriated only \$12,000,000. In the letter which I wrote to the department seeking information I asked a question which I will quote exactly. It is as follows:

Has any apparent injury occurred to commerce that can be traced to our failure to appropriate more than \$12,000,000 in the last act; and if so, where did it occur?

The answer is:

I am not able to say that any apparent injury has occurred to commerce on account of the failure to appropriate more than \$12,000,000 in the last act.

Mr. President, if they were mistaken in their judgment last year, the committee thought there might be a possibility of their being mistaken in their judgment this year. When they say that \$33,000,000 is the minimum that can be gotten along with without injury to commerce, we have no doubt they are honest in their judgment in that respect, just as they were honest in their judgment that they gave us last year; but they were mistaken last year, and it is possible they may be mistaken this year. We rather think that they are.

It has been suggested that the department has asked for an appropriation of \$57,000,000. They did, Mr. President, but what was the theory upon which that estimate was based? I find in the Book of Estimates at the close of the estimates for rivers and harbors a statement made which I think it is well to read it into the Record to show the basis upon which the ordinary estimates of the Government are made. This is the note:

The foregoing estimates, amounting to \$10,982,950, are for works which Congress has provided may be carried on under the continuing-contract system.

That is, the estimate that would be carried and was carried on the sundry civil bill, and it is not included in the estimate of \$57,000,000.

The sundry civil act approved June 4, 1897, provides that "Hereafter the Secretary of War shall annually submit estimates in detail for river and harbor improvements required for the ensuing fiscal year to the Secretary of the Treasury, to be included and carried into the sum total of the Book of Estimates." It is the view of the President that under that statute it is the duty of the department not to recommend projects or expenditures, but to give the Congress detailed information as to the sums which it would be necessary to expend if the projects already authorized are to be carried forward without loss or delay. In accordance with that view, the above estimates for the respective works for the fiscal year ending June 30, 1922, are submitted under two heads, namely, for works which Congress has provided may be carried on under the continuing-contract system and for projects that have been adopted by Congress for which appropriations will be required for their prosecution, completion, or maintenance if they are to be carried forward without loss or delay.

Of course, nobody contends that the river and harbor works which Congress has heretofore approved and made appropriations for can be carried on as rapidly and as expeditiously with the amount of money proposed to be appropriated as they could be if we had appropriated a larger amount of money, although, judging the future by the experience of the past, we might even come to that conclusion, for, with an abundance of money on hand, the river and harbor works have not been carried on as expeditiously as it seems they might have been carried on. Of course, we have had exceptional conditions; everybody knows that. One of the reasons given by the engineers why projects in many cases have not been carried on more rapidly has been that contracts could not be made upon reasonable terms for the carrying on of the work; and no one can complain of or criticize the engineers for not letting contracts at unreasonable rates.

Mr. President, what is now the situation? The situation is this: On the 31st of December there was on hand for the river and harbor projects of the country that have heretofore been adopted by Congress, and for which appropriations have been made, the sum of \$41,658,334.33. Out of the lump sum appropriation of last year, as the Senator from Mississippi has said, there were \$1,633,650 unallotted; in other words, we had on hand \$43,291,984.33. The Senator argues that there are only \$1,633,650 of the \$12,000,000 of the last act unexpended; that is, that would be the impression. I do not think the Senator intended to convey that impression. I do not know how much of that money has not been spent, but \$1,633,650 is the amount that has not been allotted. The remainder of it has been allotted to various projects. Probably the expenditure is under way, or probably it is being held with reference to those particular projects to meet any emergency that may hereafter arise.

I will say that I have not secured definite information as to just how much of that particular money has actually been expended, but we have a statement from the engineers in reference to the condition of this \$41,658,334.33, and that statement appears in the report of the committee, as follows:

Of this amount on December 31, 1920, there was obligated by outstanding contracts and liabilities \$17,648,153.42.

That was the amount that was actually obligated, but it had not been spent, the work had not been done, and that money is still available during the ensuing months to go on with work that is under way. Of that \$41,658,334.33, \$24,010,170.91 was unobligated; there was no liability against it at all; it was simply standing to the credit of various projects throughout the country, subject to expenditure any time that the engineers find it profitable or desirable to use it. So, Mr. President, we will have, with the \$15,000,000 proposed to be appropriated in the pending bill from the 1st of January of this year, over \$58,000,000 available for river and harbor work during, technically, as the Senator from Mississippi has stated, the 18 months to July 1, 1922, or really 15 months from now until the end of the fiscal year 1922; but the regular session of Congress will meet in December of this year, and I am satisfied that probably long before June 30, 1922, a river and harbor bill will be passed. The fact must not be overlooked that every river and harbor bill always provides that the moneys appropriated in the bill shall be immediately available, so that from the time of the passage of the bill the money provided for in it will be available.

There is another fact that I do not want to have overlooked, and it should not be overlooked, in considering these matters. The largest annual expenditure that the Government has made for river and harbor improvement since 1896 was made in 1914, when we spent \$40,244,104.45, and the next largest in any one year was the next year, 1915, when we spent \$37,707,459.72; and, mark you, Mr. President, the next highest annual expenditure for river and harbor improvements was in the year 1920,



with half of that year under the lump-sum appropriation of \$12,000,000, when we spent \$33,777,234.78.

So, if we spend the money during the next 18 months at the rate it was spent last year, we will be spending money faster than we have ever spent it during any year in the history of the Republic, except the two years 1914 and 1915, and with the \$15,000,000 proposed now to be appropriated and the funds on hand we will have money enough to do that thing. So, looking at it even from that standpoint, it can not be shown that there is any undue neglect of river and harbor improvements.

It is true that during the last three or four years there has been considerable neglect of our river and harbor improvements; and I agree with the Senator from Mississippi that we really ought to have more money for river and harbor improvements; but the fact, I think, ought to be taken into consideration by the friends of river and harbor improvements that we can not expect to secure through Congress the appropriations for river and harbor improvements that we really ought to have until the unexpended balance is brought down a little bit. If we are confronted every time that we bring up a river and harbor bill in Congress with a balance on hand of \$40,000,000 or \$50,000,000, it does not need any argument to convince anybody that we can not get a proper bill. So I believe—and I believe this very strongly—that the increase of this appropriation, say, to \$30,000,000 or \$25,000,000 would ultimately be really against proper river and harbor development. If the engineers come to the Congress next year and show to us that, with a judicious expenditure in the preceding years, the balance for river and harbor improvements amounts to only five or ten million dollars, then Congress will make appropriations and will make proper provision for the projects that ought to be cared for.

Mr. President, I think we ought to bring about a considerable change in our system of making appropriations for river and harbor improvements. We have in the report a detailed statement from the engineers of the amount of money on hand for every project throughout the country that Congress has approved and appropriated for. There are nearly 500 of these different projects with varying sums on hand. The amount of money on hand for many of these projects has been on hand for years; in other words, we have millions of dollars of money tied up in various projects throughout the country that has been tied up for years and is not being used. There is no benefit coming from it, and if we will overhaul this state of affairs, in my judgment, we can take money away from projects that have been lying idle for years and which probably will continue to lie idle and make it available for other projects where it will be used to advantage.

These projects will not suffer—not in the least. They are getting no benefit from this money that is on hand; and so it is the purpose of our committee in the next session of Congress, when we have a regular river and harbor bill, to take up that situation and meet it in the way that we think is proper.

Mr. President, looking at this matter from the standpoint of whether or not this \$15,000,000 is really sufficient to take care properly of the needs of the commerce of our harbors and rivers during the coming year, I believe that this \$15,000,000 will do it. It probably will not do all that we should like to have done. It probably will not do all that we really ought to have done; but, in my judgment, our commerce will not suffer any serious injury. It may be that some of our projects will not go along as fast as they ought to or as fast as we would like to have them go on; but, on the whole, commerce will be cared for at the end of the year with this amount of money as well as it is now.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Washington yield to the Senator from Oregon?

Mr. JONES of Washington. I do.

Mr. McNARY. Of course, I am deeply interested in the improvement of rivers and harbors, and as a member of that committee I want to ask the chairman if the \$15,000,000, which he now advocates as the proper sum to appropriate, contemplates the construction of any works on new projects?

Mr. JONES of Washington. It does not. It can not be used on new projects.

Mr. McNARY. Then the simple truth is that those communities, those ports that have projects that are feasible and are needed in order more properly to employ our merchant marine, will go neglected under an appropriation of \$15,000,000?

Mr. JONES of Washington. They will go for another year, as they have been going for all the years of the past.

Mr. McNARY. Is it true, may I ask the chairman, that when the House sent over an appropriation in the sum of, I think, \$12,000,000, that did not contemplate the improvement of any new projects?

Mr. JONES of Washington. Certainly.

Mr. McNARY. And the same practice obtains this year?

Mr. JONES of Washington. Certainly.

Mr. McNARY. Can the chairman advise the Senate when we will go back to the old practice, so thoroughly established, which has done so much to improve our rivers and harbors and ports, under which Congress will again have some authority to specify new projects?

Mr. JONES of Washington. I was just coming to that, and about to touch on it. I thought I made it plain a while ago that I did not consider that this amount is all that we ordinarily would and should appropriate for these purposes, but under the present condition of things it is a reasonably satisfactory amount.

I do hope, also, that Senators will give consideration to the suggestion that it is really in the interest of proper river and harbor development that we should keep down these appropriations until the unexpended balance is down to a reasonably low amount, so that every time we come here with a river and harbor bill we shall not be confronted with the plea that there are forty or fifty millions on hand, and that is used as a very strong argument against really adequate appropriations.

Now, let us consider the legislative situation. We found this to be the case: We appointed a subcommittee to consider the matter and confer with the House Members; because while it is well for us to talk about acting upon our own responsibility, and while as a general thing I think we ought to act on our own responsibility, yet in order to accomplish results we must have coordination even between the two Houses. Last year we insisted on amending the bill so that it carried a large sum of money and passed it in that form. We went over to the House and had our conference, and I took particular pains myself to put on the conference committee a majority of Senators who were in favor of the action of the Senate under all circumstances, and we held out until the last hour and the last minute of the session. We held out until it was announced on the next day that the river and harbor bill had in fact failed, and we had to recede in order to get anything. We do not accomplish anything by going up against a situation like that at a session like this, which must close at a certain hour; so our committee decided that we would confer and that we ought to confer with the responsible leaders in the House of Representatives and find out what their policy would be and what they had in mind, and this is the situation:

It was pointed out that to place amendments on this bill would very seriously endanger its passage. Under the new procedure in the House, the Appropriations Committee can provide only for things that are authorized by law. Practically all the amendments that the Senate had in mind putting on the bill would have been items of new legislation, or they would be legislation under the rule of the House. Separate votes would be demanded, and all that sort of thing, and the leaders there felt very strongly that the adding of any amendments to this bill would seriously endanger its passage. Then we found that the Rivers and Harbors Committee of the House had reported what might be termed a legislative river and harbor bill, a bill providing for the modification of certain projects, a bill providing for additional surveys. I do not think that bill provided for any strictly new projects. It was not expected that that bill would have even any consideration in the House, much less any chance of passage. So we conferred with the leaders there as to what would likely be done in a legislative way toward getting new projects and new authorizations, and so forth, and, if that was contemplated, when it would be done. I was assured that early in the extra session of Congress which we know is going to be called a legislative bill would be taken up, and that legislative bill would deal with projects that should be modified, that it would provide for surveys, and that it would also provide for new projects—they said they thought it ought to provide for new projects—and we were assured that that legislation would be taken up early in the extra session.

With those assurances, with that situation confronting us, the committee decided that in the interest of river and harbor development, in the interest of economy, and to insure legislation, it would be wise to report this bill without any amendment whatever; and I have now stated briefly practically all the various considerations that influenced the committee in taking the action that it did.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES of Washington. I yield to the Senator.

Mr. KING. Does not the Senator think he would rest the position of the committee in reporting this so-called modest sum upon stronger ground if he put it purely upon the proposi-

tion that in view of the fact that there are forty odd millions of dollars unexpended, and in view of the fact that the Treasury now is faced with a deficit of \$2,000,000,000, this is all in justice that ought to have been appropriated at this session?

Mr. JONES of Washington. I put it on that ground and on the other ground, too. I simply add one ground to the other. I think that ground is substantial and justifies the action of the committee, but I take it we are further justified from the other situation.

Mr. KING. I hope the Senator is not urging support of this bill upon the theory that within a short time and at the special session we will have another river and harbor bill.

Mr. JONES of Washington. Not at all, except that I think it is very proper that we should consider the question as to whether we will put legislative provisions in this bill, or whether we will wait for the future. I do not believe there would be any serious controversy about the proposition that there are new projects of river and harbor improvement in this country that ought to be undertaken, that in the interest of commerce should be undertaken. Under the rules of another body these can not be provided for in the way that we are appropriating now. Of course we could put them on this bill; they would not be subject to a point of order under our rules; but it is not necessary for me to tell the Senators what the situation would be in conference under those circumstances. Senators have had too much experience in conference matters to make it necessary for me to say anything about that. The only way in which these new improvements can be inaugurated or authorized so that an appropriation can be made is to have this legislative bill passed, and I think it is only fair and reasonable that before Senators neglect the opportunity to put upon this bill new projects which would be clearly in order under the rules of the Senate they should have some assurance or information as to what will likely be the future program, so I do not think that is unreasonable at all. I think it is entirely proper; and remember that the legislative bill to which I have referred would not be a bill appropriating money, but simply a bill authorizing new projects whenever Congress should deem it wise to make the appropriations for them.

Mr. President, there is one other situation that I think I briefly referred to a while ago, but I am going to call more particular attention to it now.

The committee also felt that in the case of these projects, 500 of them, scattered all over the country, for which millions of dollars have been appropriated from time to time in the past but not expended and apparently not needed, this money could be made available for proper river and harbor expenditures during the next 18 months by a provision in this legislative bill, framed and passed after we had full opportunity to consider carefully the various projects and pick out the amounts of money that will not be needed in connection with those particular projects, and make those same amounts of money, without any new appropriation, available for these various projects. I am satisfied that there are five or ten or even fifteen million dollars of that money in that situation.

Mr. President, I think that is all that I will say.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. JONES of Washington. I yield to the Senator.

Mr. SIMMONS. How can it be ascertained, until the work is completed, whether or not the money heretofore appropriated for a particular project which has not yet been finished will be needed?

Mr. JONES of Washington. I think we will find a great many projects throughout the country where the works authorized by Congress have actually been completed, but there are large sums of money for maintenance that have not been necessary.

Mr. SIMMONS. I would not disagree with the Senator if the work has already been completed; but where the work has not been completed, we can not tell until it is completed whether or not the money will be needed. Of course, the engineers might make an estimate that in all probability the work could be completed without the expenditure of the full amount of the appropriation.

Mr. JONES of Washington. I have in mind largely this, and I refer to projects in my own State: I examined the items in this list from my own State, and I found there half a dozen items for which several thousand dollars was available. It has been available for a good long while, and yet I know that the conditions there are such that this money will not be spent there, it will not be needed there, or, if it is needed or if it is spent, it will be spent in the way of maintenance, and that can

be taken care of out of a fund for maintenance; and I assume that there are projects in other States in the same situation as my own. Take one project in my State. There is \$89,000, I think, available for maintenance. It has been available, I think, for two or three years. It will not injure that project to take that money away from there now, unless, of course, if the engineer should say to us, "We will need that money in the coming year," then we would not take it.

I would, of course, expect to get information from the engineers as to the need for the money and the probable need for its expenditure in the next year or two, and if they said, "We are satisfied conditions are such that we will need the money," of course we would not divert it. But that must be looked into very carefully. The eight or nine thousand dollars for the project in my State could be put into this fund, and then whenever maintenance is necessary out of a fund I think we ought to provide for that maintenance.

Mr. SIMMONS. Has the project been completed?

Mr. JONES of Washington. It is still not exactly completed. This is the real situation: We appropriate the money upon a condition; that is, we provide that when a locality does certain things then we will maintain the project. The locality has not finished its work, and yet we have been appropriating for maintenance.

Mr. SIMMONS. The probabilities are the locality will not comply with the conditions?

Mr. JONES of Washington. Oh, yes; the locality will comply, so far as that is concerned.

Mr. SIMMONS. That makes it clear, because the money might be returned back into the Treasury or appropriated so it could be used for some other project. But that is not the main question that I rose for the purpose of asking the Senator.

Mr. LENROOT rose.

Mr. SIMMONS. Does the Senator from Wisconsin desire to interrupt?

Mr. LENROOT. I merely desire to call attention to the fact that there is over a million dollars now available of the nature of which the Senator speaks, running back as far as 1910, when appropriations were made upon the condition that the localities do certain things which they have failed to do.

Mr. SIMMONS. I think there are many cases of that sort where some considerable amount of the money could be salvaged in the way the Senator mentions and probably turned back into the Treasury or applied to some other project. But that would require new legislation.

What I rose for the purpose of inquiring about specially was the Senator's statement with regard to the unexpended balance now appropriated. I do not know that I clearly understood the statement of the Senator. I wish to ask if it is not a fact that the whole unexpended balance of forty-odd million dollars represents money that has heretofore been appropriated for specific projects?

Mr. JONES of Washington. I think that is probably true unless there may be part of it out of the allotment of last year; but I think probably all of the \$41,000,000 has been appropriated for specific projects.

Mr. SIMMONS. Not a dollar of that money can be expended for any project except and to the extent of the appropriation for the particular project.

Mr. JONES of Washington. That is true under the situation as it now exists.

Mr. SIMMONS. The Senator said, as I understood him, that of the \$41,000,000 there was still \$24,000,000 that had not been contracted for.

Mr. JONES of Washington. Or obligated in any way.

Mr. SIMMONS. Or in any way obligated?

Mr. JONES of Washington. That is true.

Mr. SIMMONS. That amount does not help in any way the work on projects that have been approved and for which there is no appropriation outstanding.

Mr. JONES of Washington. That is true. They would not be considered as new projects unless we have appropriated for something.

Mr. SIMMONS. No; I refer to projects that have been approved and work upon which has been begun, but the appropriations have been exhausted or are very nearly exhausted. The unused sum of \$24,000,000 appropriated for other projects but not used, contracted, or obligated, as stated by the Senator, can not be used for approved projects the appropriations for which are exhausted.

Mr. JONES of Washington. That is true.

Mr. SIMMONS. With reference to those particular projects, we must either appropriate more money or the work upon them must stop. Is not that true?



Mr. JONES of Washington. Yes; except that I wish to call the Senator's attention to this fact—

Mr. SIMMONS. If the Senator will pardon me—

Mr. JONES of Washington. Right in connection with that I wish to call the Senator's attention to this fact: I asked the department for a statement of all the projects that the Congress had approved for which appropriations had been made, and I have them set forth in the report. Glancing over it hurriedly I do not see a single project that does not have some money on hand.

Mr. SIMMONS. Probably most of them have a small amount on hand, but a very inadequate amount in most cases.

Mr. JONES of Washington. It may be and it may not be. There is no showing by the engineers.

Mr. SIMMONS. It is, I think, in most cases inadequate, if the Senator will examine them. The appropriations on hand are very inadequate for continued prosecution of the work upon an economical basis.

Mr. JONES of Washington. I think, in those projects where there is such a small amount on hand, that there is no great need for money. For instance, out in my own State—and I judge other States very much by that—there is Olympia Harbor, which has an unexpended balance of \$2,645.10. There was just \$200 spent on that last year. That is all that was necessary. What is needed there is a new project, for Congress to adopt a new project. Here is Tacoma Harbor, with an unexpended balance of \$2,496. I do not think there was a dollar spent on that last year.

Mr. SIMMONS. What I desire to get from the Senator, if he has it, is this information: There are certain projects for which money has been appropriated and not expended; enough is left to complete the project, or to at least continue the work on the project for the next fiscal year. There are certain other projects for which the money appropriated is insufficient to conduct work on the project for the next fiscal year. There are certain other projects for which money has been appropriated, and the appropriated funds have been exhausted or reduced to an unworkable margin. Has the Senator segregated these groups or class of cases from those for which the unexpended appropriation is sufficient to continue the work on them for the ensuing year? Can the Senator tell us what amount would be necessary to carry on the work on those projects where the appropriation is inadequate for the next fiscal year?

Mr. JONES of Washington. I have not segregated those different projects. That would require a great deal of investigation and a great deal of time, and we have not had the time nor opportunity to do it. I am satisfied that \$15,000,000 will be sufficient to maintain the new work, at any rate, because it probably will not carry it on, but it will maintain harbor conditions in that condition in which they now are and serve the commerce we have now. At the specially large ports of the country they have tremendous sums of money on hand to carry on the work. The Senator from Mississippi [Mr. HARRISON] referred to New York, and I think they have several million dollars on hand there. He referred to the construction of locks and dams on the Ohio River. They have practically \$5,000,000 on hand there. They spent only \$5,000,000 last year.

Mr. SIMMONS. The \$5,000,000 unexpended appropriation for the Ohio River project, though it may not be needed for that river, can not be expended for others, and does not help projects that have not sufficient money left over to continue work on them.

Mr. JONES of Washington. I appreciate that.

Mr. SIMMONS. Is not that true?

Mr. JONES of Washington. The \$15,000,000 is supposed to take care of that.

Mr. SIMMONS. That is what I understand. The \$15,000,000 lump sum is supposed to take care of the cases to which I am referring; but does not the Senator understand that when the bureau of the War Department having this matter in charge estimates that \$33,000,000 is required to carry on the work for the next year it means that \$33,000,000 is necessary to carry on the work on the projects, for which the present appropriation is inadequate, in order that the work begun on them may go on continuously?

Mr. JONES of Washington. I think that is their judgment, but they were mistaken last year.

Mr. SIMMONS. If that is their judgment, then it does not seem to me that the fact that there is \$24,000,000 appropriated, that has not been expended and that has not been contracted for, at all meets the situation or is influential in determining what should be our action in the premises, because that \$24,000,000 can not in any condition be used for the purpose of carrying on the work on those projects where the appropriation is exhausted or very near exhausted.

Mr. JONES of Washington. That may not appeal to the Senator; but the Senator does know that it is a powerful argument in the hands of those who desire to defeat the purpose of the committee.

Mr. SIMMONS. I know it appeals to the judgment of those who do not understand the river and harbor situation. I know it is easy enough to ask why should we be appropriating more money when there is \$24,000,000 in the Treasury that has heretofore been appropriated for projects, and which is unexpended and uncontracted for and unobligated.

Mr. JONES of Washington. I must say that I do not know.

Mr. SIMMONS. I am trying to make answer to that. I say the answer to that is that that applies only to particular projects.

Mr. JONES of Washington. But will the Senator answer this question: Why is it that they have not spent it and used it for the purposes for which Congress provided it?

Mr. SIMMONS. I am not able to answer why they have not done it.

Mr. JONES of Washington. Neither am I.

Mr. SIMMONS. I think if they have not done it because the money is not needed or because it has been determined that the project should not be further developed, then we ought to cover that money by legislation into the Treasury. However, that is another question.

Mr. JONES of Washington. I know it is another question.

Mr. SIMMONS. The proposition I am trying to present is that these large unused appropriations do not relieve the needs of those projects for which there is not a sufficient amount appropriated or in any way available.

Mr. JONES of Washington. But if they will not spend the money for projects for which it is available, what hope have we that they will spend new money that we may appropriate, even for additional projects?

Mr. SIMMONS. I assume, when the department comes to Congress and asks for \$33,000,000 for those projects that have been begun and with reference to which they have no sufficient money to carry on the work, that the department means by that to say that the money is asked for immediate use on the projects estimated for.

Mr. JONES of Washington. It has not meant that in the past.

Mr. SIMMONS. I have been a member of the Committee on Commerce for a long time and I know, as the Senator knows, that to provide continuous prosecution of certain great projects like that of the Ohio River project, with its complicated system of locks and dams, large sums were appropriated and, probably, large authorizations made, but on account of the war the work did not go forward as rapidly as was anticipated, leaving large unexpended balances.

But those appropriations were made with a view to the completion of the projects, and those projects are still being prosecuted. That unexpended money is in the Treasury—it has not been drawn out. It is a mere appropriation. If it is never drawn out the Government will not suffer. But it is not available for any other project.

Mr. JONES of Washington. No; and not available for any other purpose.

Mr. SIMMONS. What I am trying to impress upon the Senator at this time—and I am sure the Senator realizes it—is that these vast appropriations which have been unexpended for these big projects, like the one on the Ohio River, do not help out the situation with reference to the smaller projects which are now suffering because there is not sufficient money to carry on the work, and we ought to consider this matter, not from the standpoint of these unexpended appropriations, but from the standpoint of the needs of the other projects which have been approved as worthy objects for the expenditure of public money.

Mr. NELSON. Mr. President, I think the Senator from North Carolina takes a too narrow view of it. The appropriations which have been made, and which are unexpended, for the Ohio River, or New York Harbor, or for the Mississippi River, stand to the credit of those works, and because they are available, less money will be needed in those projects, because they have the money on hand, and they do not require so much out of this bulk appropriation.

Mr. SIMMONS. These projects are not, I think, included in the estimates.

Mr. NELSON. The fact is that some of these projects have so much money on hand that it is all they can expend for the next year. They can work only about so fast, and if they have the money available to do that work, it does not come out of this lump-sum appropriation. It is relieved to that extent.

Mr. SIMMONS. I understand that perfectly, Mr. President. But I want to say to the Senator that no part of this \$33,000,000 estimated for by the department, as I understand it, was for these schemes for which an adequate amount of money has already been appropriated, and a large amount of which is unexpended. As I understand, it is only to cover cases where the appropriation available at the present time is inadequate and insufficient to carry the work for another year. Am I not correct about that, I ask the Senator from Washington?

Mr. JONES of Washington. They do not specify the particular projects they would apply this thirty-three million to, but they simply make the general statement that in their judgment the \$33,000,000 is the minimum necessary to maintain the harbors and rivers of the country in such shape as to bring about no injury to commerce.

Mr. SIMMONS. Did they not send us a statement showing the amount they thought would be necessary for the various projects?

Mr. JONES of Washington. As I read, they sent a general estimate at the opening of the Congress.

Mr. SIMMONS. What is the amount of that?

Mr. JONES of Washington. That is \$57,000,000. But I read the note to these appropriations. It has been construed that these are not estimates in the nature of recommendations at all, but simply the estimate of the department as to the amount of money necessary to carry on the project without delay or loss; that is all. Then they finally reduced that to \$33,000,000 as a minimum, without specifying the particular projects they wanted to spend the money on.

Mr. SIMMONS. That is as I understood it. I understood that in their estimates as to the amount of money that was needed for all the projects, they fixed the figure at fifty-odd million dollars.

Mr. JONES of Washington. Yes; \$57,000,000.

Mr. SIMMONS. But under pressure, when they were asked to say how much would be necessary in order that river and harbor work might go on, they said it would be necessary, if this work was to go on, that we should appropriate at least \$33,000,000; and they did not refer, then, to works that have already a large sum to their credit, but to works with inadequate appropriations.

I take it that means that if we appropriate a lesser sum than that, some of the projects which have been authorized by Congress heretofore as worthy of governmental development will have to be abandoned, temporarily at least. I am not making any controversy with the chairman of the committee. I realize the situation he found himself in. I realize as well as he does that if we are to adequately provide for the continuance of work upon worthy projects in this country we should appropriate more than \$15,000,000. But, Mr. President, I also realize what I think the Senator from Washington, the chairman of the committee, does, and what I believe every member of the Committee on Commerce realizes, that in the situation which now confronts us, it is not a question of how much is needed for the prosecution of this great work, but it is a question of how much we can get under present legislative conditions.

I believe, just as much as the Senator from Mississippi believes, that the petty lump-sum policy we have followed during the last three or four years with reference to river and harbor improvement is a very short-sighted policy. I believe in the years to come we will see that it is not only short-sighted but indefensible, not to say inexcusable. I regret very much that it has to be continued another year. I had hoped, when last year we appropriated a lump sum flagrantly insufficient—even insignificant as compared with the amount needed—that this year we might have a reasonably adequate river and harbor bill, and that this great work, more needed at this time, in my judgment, than at any time in our history, would be vigorously prosecuted in the interest of commerce and of the transportation requirements of the country.

The Senator's party in the other House have determined upon this policy for at least another year, and they have sent us a bill, notified us through the chairman of their committee on rivers and harbors, and probably through a subcommittee of that committee, that they will not submit to any increase in the amount carried in their bill. They have notified us that if we amend this bill in any particular whatever we will have no river and harbor legislation at this session of the Congress.

I do not know whether they are in earnest about that or not, but I do know the time is very short, Mr. President, in which we have to act, and I do know that they have impressed the chairman and the subcommittee of the Committee on Commerce of the Senate, who conferred with them on this behalf, with their seriousness and determination in this matter.

The situation as thus presented was thrashed out very thoroughly in our committee, and while many members of the committee did not approve of this policy, as I did not, and felt that this appropriation was flagrantly inadequate, I believe that all finally agreed that in the situation in which we found ourselves, it was better to accept something than to get nothing, and I think in view of these circumstances there was unanimous consent in the committee that we would permit the House in this particular case to coerce us against offering any amendments to this bill and in accepting it just as they had written it. I hope we will not again be put in that attitude with reference to this or any other legislation. I trust that when this matter is taken up for consideration and action by Congress again we will take it up in time, so that we may have an opportunity to fight these questions out, if there is a disagreement between the two Houses, to the end that one branch of the Congress shall not have to submit to the dictation of the other branch.

Mr. President, I do not think this \$15,000,000 will be sufficient to do any construction work, or, if any, only a very limited amount of additional construction work. It may, and probably will, be sufficient for purposes of maintenance; but, Mr. President, the continuation of the necessary expenditures, in order to maintain the works we have already finished, or to keep those works which are in a state of prosecution from deterioration, is a very important matter, and if \$15,000,000 serves no other purpose than to enable us to protect and maintain against deterioration the river and harbor works we have already done it will serve a good purpose, and I think we will be justified, in the circumstances, in conforming to the conditions the other House has imposed upon us, in order to get enough money for this purpose, though nothing, or practically nothing, can be had for further improvement and construction.

It would be a crime to fail to provide for the maintenance of the improvements and development already made and accomplished.

Mr. JONES of Washington. Mr. President, I join the Senator in the hope that in the very near future we can act upon these bills in a way different from that in which we are really forced to act now. I think we ought soon to adopt a general policy with reference to these matters, and I hope we will soon do so, and I want to say that I shall do all I can to have this taken up as early as possible in the next Congress, and I want to take it up in such a way that the Senate can express its real judgment and desire in regard to these matters, and express its real judgment as to what ought to be done, and then I shall join very strongly with the Senator in insisting upon a full and free conference with the other House with reference to the differences between the two Houses.

For myself, I now say that I will not go upon a conference with the other House on the differences on a bill of this kind under the conditions imposed by the rules they have now, which do not permit a full and free conference, and which shackle the conferees of the one House, while the conferees of the other House are free.

Mr. HARRISON. I understood the Senator to say that he will not go as one of the conferees with the other House under the peculiar rules they have now prevailing in the House, which prevent free conferences?

Mr. JONES of Washington. I will not go unless they expressly give their conferees authority to enter a full and free conference.

Mr. HARRISON. Has that influenced the Senator in his action in voting out a \$15,000,000 appropriation bill this time?

Mr. JONES of Washington. Not at all.

Mr. HARRISON. It has had nothing to do with this bill?

Mr. JONES of Washington. Not at this time. That is simply a notification, as far as I am concerned, as to the attitude I propose to take in the future with reference to conferences on a bill of this character.

Mr. SIMMONS. The Senator means he is not going to submit to this sort of dictation any longer?

Mr. JONES of Washington. I will not, if I can help it.

Mr. SIMMONS. I am glad to hear the Senator say that.

Mr. SMOOT. As the Senator knows, in the past the House has had free conferences. Under the rules of the House today, if the Senate has three conferees, the House has 435 conferees. The Senate can not put anything into a bill in the way of an amendment upon which the conferees may agree, but the amendment has got to go back to the House of Representatives and the House has to vote upon it. Then, after they have voted upon it, the matter goes to conference.



Mr. SIMMONS. The Senator from Utah means that is the case under the present rules of the House?

Mr. SMOOT. That is the condition under the present rules of the House; in other words, the Senate enters into a conference with three conferees, but those conferees find themselves confronted by a conference with the House of Representatives, which has a membership of 435.

Mr. SMITH of Georgia. If the conferees on the part of the Senate yield, it is all right; but if they do not, then the matter goes back to the House?

Mr. SMOOT. Yes.

Mr. JONES of Washington. In other words, the House conferees can not yield. That is not a full and free conference. As I have said, I do not propose to go into a conference of that kind.

Now, Mr. President, I want to put into the Record some data that I think will be very valuable for future reference. I called on the department for information with reference to the number of harbors that we have of a certain depth—of 25 feet to 30 feet, 30 feet to 35 feet, and 35 feet to 40 feet, and so forth—and I have those data here. I ask that they may be inserted in the Record.

The PRESIDING OFFICER (Mr. FREELINGHUYSEN in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, February 17, 1921.

HON. WESLEY L. JONES,  
United States Senate.

Subject: Information regarding merchant vessels, etc.

MY DEAR SENATOR: 1. In reply to your inquiry of February 11 I take pleasure in handing you herewith a memorandum prepared by the chief statistician of the Board of Engineers for Rivers and Harbors, together with the inclosures referred to in the memorandum.

2. You will observe that an attempt has been made to answer all the questions which were put in your inquiry of February 11. Considerable of the information given in Mr. Ritter's memorandum will without doubt be duplicated in such replies as may be made by the Shipping Board and the Department of Commerce, but I am nevertheless forwarding the entire memorandum in the hope that it may be serviceable to you.

Very truly yours,  
LANSING H. BEACH,  
Major General, Chief of Engineers.

WAR DEPARTMENT,  
THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS,  
February 14, 1921.

#### MEMORANDUM RELATIVE TO DRAFTS OF AMERICAN MERCHANT VESSELS.

Neither Lloyd's Register nor the List of Merchant Vessels of the United States, published by the Department of Commerce, gives information relative to the draft of vessels, and it is impossible to determine the draft from a statement of the tonnage and dimensions of a given vessel. In actual practice, it is found that the drafts of vessels built from identical plans vary somewhat.

The importance of accurate information relative to the drafts of vessels is fully appreciated by the board, and provisions for securing this data with reference to our ports has been made in the new plan for collecting commercial statistics recently recommended by this office and approved by the Chief of Engineers. The port facilities commission of the Shipping Board in 1918-19 made a study of the dimensions and drafts of vessels constructed during quinquennial periods between 1889 and 1918, and the tables and graphs showing the results of this study are inclosed herewith. The information was obtained by direct correspondence with a large number of vessel owners and operators, but replies were not secured in all cases and can not therefore be used to state definitely the number of vessels of each foot of draft.

There is inclosed herewith a table showing the dimensions and draft of the 10 largest vessels constructed during each 5-year period between 1889 and 1918. Based upon the studies of the port facilities commission and further investigations made by this office since taking over the work of that commission, the following table has been prepared showing the tonnage and drafts of American merchant steam vessels, with the number of vessels in each of several specified classes as indicated by Lloyd's Register. The drafts given are necessarily approximate in view of the absence of complete data on the subject, but are, nevertheless, believed to be very close to the actual.

Tonnage and drafts of American merchant steam vessels.<sup>1</sup>

Net tons.	Gross tons.	Deadweight tons.	Number of steamers.	Draft.
				Feet.
666 to 1,333.....	1,000 to 2,000.....	1,500 to 3,000.....	277	18.0
1,333 to 2,000.....	2,000 to 3,000.....	3,000 to 4,500.....	999	21.0
2,000 to 2,666.....	3,000 to 4,000.....	4,500 to 6,000.....	410	22.5
2,666 to 3,333.....	4,000 to 5,000.....	6,000 to 7,500.....	305	24.0
3,333 to 4,000.....	5,000 to 6,000.....	7,500 to 9,000.....	482	25.5
4,000 to 5,333.....	6,000 to 8,000.....	9,000 to 12,000.....	682	27.0
5,333 to 6,666.....	8,000 to 10,000.....	12,000 to 15,000.....	70	28.5
6,666 to 10,000.....	10,000 to 15,000.....	15,000 to 22,500.....	41	30.0
10,000 to 13,333.....	15,000 to 20,000.....	22,500 to 30,000.....	5	32.0
13,333 to 16,666.....	20,000 to 25,000.....	30,000 to 37,500.....	2	34.0
16,666 and over.....	25,000 and over.....	37,500 and over.....	2	34.0 to 41.3

<sup>1</sup> Includes seized German vessels.

The following are some of the largest vessels included in the foregoing table:

Tonnage and drafts of American merchant steam vessels.

Name.	Former name.	Gross tons.	Draft.
Leviathan.....	Vaterland.....	54,281	41.3
George Washington.....	George Washington.....	25,569	34.0
America.....	Amerika.....	22,621	33.0
Minnesota.....		20,602	33.0
Agamemnon.....	Kaiser Wilhelm II.....	19,360	36.0
Mount Vernon.....	Kronprinzessin Cecelia.....	18,372	.....
President Grant.....	Princess Alice.....	18,072	.....
Von Steuben.....	Kronprinz Wilhelm.....	14,901	30.0
Nansmond.....	Pennsylvania.....	13,332	32.2
New York.....		10,080	30.4
Philadelphia.....		10,232	30.4

The following answers specifically the questions propounded by Senator JONES:

1. Merchant vessels other than American of 40 feet draft or more, 1.
2. Number of American-flag merchant vessels having a draft of 35 feet or more but under 40 feet, 1.
3. Number of American-flag merchant vessels having a draft of 30 feet or more but under 35 feet, 9.
4. Number of American-flag merchant vessels having a draft of 25 feet or more but under 30 feet (6,000 to 15,000 gross tons), 793.
5. Number of American-flag merchant vessels having a draft of 20 feet or more but under 25 feet (2,000 to 6,000 gross tons), 2,196.
6. Number of American-flag merchant vessels having a draft of 15 feet or more but under 20 feet (1,000 to 2,000 gross tons), 277.
7. Names of harbors in the United States on the Atlantic, Gulf, and Pacific coasts having corresponding depths. The following gives the names of harbors having depths of 15 feet and over on June 30, 1920, in the deepest channels of the inner harbor. Depths are referred to a plane of mean low water on the Atlantic coast, mean low Gulf on the Gulf coast, and mean lower low water on the Pacific coast. In a number of cases the existing projects for improvement provide for greater depth than those herein shown as available.

	Feet.
40 feet and over:	
New York, N. Y.....	40
Portsmouth, N. H.....	50
Seattle, Wash., in excess of.....	40
Tacoma, Wash., in excess of.....	40
35 feet and under 40 feet:	
Portland, Me.....	35
Boston, Mass.....	35
Baltimore, Md.....	35
Newport News, Va.....	35
Norfolk, Va.....	35
San Diego, Calif.....	35
San Francisco, Calif.....	35
30 feet and under 35 feet:	
Providence, R. I.....	30
Philadelphia, Pa.....	30
Charleston, S. C.....	30
Key West, Fla.....	30
Pensacola, Fla.....	30
New Orleans, La.....	30
Galveston, Tex.....	33 1/2
Oakland, Calif.....	30
Portland, Oreg.....	30
Astoria, Oreg.....	30
25 feet and under 30 feet:	
Bath, Me.....	28
Wilmington, N. C.....	26
Jacksonville, Fla.....	27
Tampa, Fla.....	25
Texas City, Tex.....	27.4
Port Arthur, Tex.....	26.5
Los Angeles, Calif.....	28
Mobile, Ala.....	27
20 feet and under 25 feet:	
New Bedford and Fairhaven, Mass.....	24
Fall River, Mass.....	24
New London, Conn.....	22
Bridgeport, Conn.....	21
Newark, N. J.....	20
Washington, D. C.....	22
Alexandria, Va.....	22
Savannah, Ga.....	24.2
Brunswick, Ga.....	23.5
Fernandina, Fla.....	23.5
Charlotte, Fla.....	24
St. Josephs Bay, Fla.....	24
St. Andrews Bay, Fla.....	21
Fort Bolivar, Tex.....	24
Houston, Tex.....	22
San Luis Obispo Harbor, Calif.....	20
Richmond Harbor, Calif.....	20.5
Vancouver, Wash.....	24
Port Gamble, Wash.....	22
15 feet and under 20 feet:	
Tennants Harbor, Me.....	15
Thomaston Harbor, Me.....	16
Newburyport, Mass.....	15
Gloucester, Mass.....	15
Beverly, Mass.....	18
Lynn, Mass.....	15
Plymouth, Mass.....	18
Newport, R. I.....	17
Duck Island Harbor, Conn.....	16
New Haven, Conn.....	19.5
Wilmington, Del.....	14.7
Richmond, Va.....	16.5
Georgetown Harbor, S. C.....	16.4
Miami, Fla.....	15.5
Carrabelle Harbor, Fla.....	15.5

## 15 feet and under 20 feet—Continued.

		Feet.
Pascagoula Harbor, Fla.	18.5	19
Gulfport, Miss.	18	18
Freeport, Tex.	18	18
Monterey, Calif.	18	18
Crescent City, Calif.	15	15
Coos Bay Harbor, Oreg.	18	18
Bellingham Harbor, Wash.	18	18
Willapa Harbor, Wash.	18	18
Grays Harbor, Wash.	18	18

A. H. RITTER,  
Chief Statistician.

Name, registry, gross tonnage, and dimensions of the 10 largest vessels (combination freight and passenger) built during quinquennial periods 1889 to 1918.

1914-1918.

	Name of vessel.	Registry.	Gross tonnage.	Length.	Width.	Deep draft.
1	Bismarck	German	56,000	912.0	100.0	41.3
2	Leviathan	American	54,282	907.6	100.3	41.3
3	Britannia	British	48,158	882.5	94.0	34.7
4	Aquitania	do.	45,647	898.6	97.0	35.3
5	Statendam	Dutch	32,500	740.0	88.4	34.0
6	Justicia	British	32,234	740.5	88.4	34.0
7	Belgica	do.	24,547	670.4	78.4	36.3
8	Duilio	Italian	22,000	601.4	75.9	35.0
9	William Oswald	German	20,000	587.8	72.0	34.0
10	Cap. Polonio	do.	19,500	636.0	72.2	33.3
Average per ship			35,486	751.6	86.2	35.0

1909-1913.

	Name of vessel.	Registry.	Gross tonnage.	Length.	Width.	Deep draft.
1	Imperator	German	51,969	882.9	98.2	37.0
2	Olympic	British	46,359	852.5	92.5	34.7
3	Titanic	do.	45,000	852.4	92.4	34.7
4	Columbus	German	35,000	750.0	80.0	36.0
5	France	French	23,696	692.2	75.6	34.0
6	Alsation	British	18,481	571.4	72.4	35.0
7	Ceramic	do.	18,441	655.1	64.4	34.8
8	Franconia	do.	18,150	600.3	71.3	29.6
9	Laconia	do.	18,099	600.6	71.3	29.6
10	Empress of Asia	do.	16,909	570.1	68.2	23.0
Average per ship			29,207	702.7	79.1	33.4

1904-1908.

	Name of vessel.	Registry.	Gross tonnage.	Length.	Width.	Deep draft.
1	Lusitania	British	31,558	762.2	87.7	36.3
2	Mauretania	do.	30,704	762.2	88.0	36.3
3	Geo. Washington	American	25,570	693.1	78.2	34.0
4	Kaiserin Augusta Victoria	German	24,581	677.5	77.3	36.0
5	Adriatic	British	24,541	709.2	75.5	37.3
6	Rotterdam	Dutch	24,149	650.5	77.4	33.0
7	Baltic	British	23,876	709.2	75.6	37.3
8	America (America)	American	22,622	699.0	74.3	33.0
9	Minnesota	do.	20,718	622.0	73.5	33.0
10	Caronia	British	19,687	650.0	72.2	33.3
Average per ship			24,798	691.0	77.9	33.4

1899-1903.

	Name of vessel.	Registry.	Gross tonnage.	Length.	Width.	Deep draft.
1	Cedric	British	21,040	680.9	75.3	36.9
2	Celtic	do.	20,904	680.9	75.3	36.5
3	Kaiser Wilhelm II.	German	19,381	684.3	72.3	36.0
4	Northland	British	17,905	561.6	60.2	30.0
5	Oceanic	do.	17,274	685.6	68.3	31.0
6	Victoria Louise	German	16,708	660.9	67.3	30.5
7	Deutschland	do.	16,502	660.9	67.3	30.5
8	Kronprinz Wilhelm	do.	14,908	637.3	66.3	30.0
9	Patricia	do.	14,466	580.3	62.3	32.2
10	Saxonia	British	14,297	580.0	64.2	31.1
Average per ship			17,336	639.2	67.8	32.4

1894-1898.

	Name of vessel.	Registry.	Gross tonnage.	Length.	Width.	Deep draft.
1	Kaiser Wilhelm der Grosse	German	14,340	626.7	66.0	31.0
2	Cumrie	British	13,370	585.5	64.3	31.0
3	Pennsylvania	German	13,333	559.4	62.2	32.2
4	Pretoria	do.	13,234	561.0	62.2	32.2
5	Graf Waldersee	do.	13,193	561.2	62.2	32.2
6	Kaiser Frederick	do.	12,480	581.7	63.7	31.5
7	Scandinavian	British	12,099	550.3	59.3	30.0
8	Burdigala	French	12,099	551.7	63.7	31.0
9	St. Louis	American	11,639	535.5	63.0	29.5
10	St. Paul	do.	11,639	535.5	63.0	29.5
Average per ship			12,743	568.3	62.9	31.0

## Name, registry, gross tonnage, etc.—Continued.

1889-1893 (and prior).

1	Campania	British	12,884	601.0	65.2	22.0	
2	New York	American	10,798	517.0	63.6	30.4	
3	Philadelphia	do.	10,186	527.6	63.2	30.4	
4	Majestic	British	10,147	565.8	57.8	30.0	
5	Teutonic	do.	9,984	565.8	57.8	29.4	
6	La Touraine	French	8,429	520.2	58.0	27.0	
7	Gothland	Belgian	7,660	490.7	53.2	28.0	
8	La Gascogne	French	7,090	495.4	52.2	28.0	
9	Ophir	British	6,942	465.0	53.4	27.5	
10	Himalaya	do.	6,929	465.6	52.2	28.0	
Average per ship			9,104	521.4	57.4	28.7	

United States Shipping Board Port and Harbor Facilities Commission, May 15, 1919.

Mr. JONES of Washington. Mr. President, I find a table in the report of the Commissioner of Navigation giving the shipping of the world over a certain tonnage, the number of ships, and classifying them up to 25,000 tons and over. The report does not give the draft of those ships, but in the data furnished by the War Department they give me the draft of ships over a certain tonnage, and I have used that as a basis for giving the draft of the ships. I want to have put in the Record the table which is found on page 133 of the report of the Commissioner of Navigation for June 30, 1920.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The table referred to is as follows:

The number of steamers, according to certain divisions of gross tonnage, owned in the world—distinguishing the principal maritime countries—as recorded in Lloyd's Register, 1920-21.

Countries where owned.	100 and under 200 tons.	200 and under 500 tons.	500 and under 1,000 tons.	1,000 and under 1,500 tons.	1,500 and under 2,000 tons.	2,000 and under 3,000 tons.	3,000 and under 4,000 tons.	4,000 and over 5,000 tons.
British:								
United Kingdom	1,514	2,223	637	425	306	436	618	630
Australia and New Zealand	148	177	78	41	23	55	28	18
Canada	136	129	57	64	40	71	32	14
Other dominions	115	154	79	38	34	31	18	18
Total	1,913	2,683	851	568	403	593	696	680
America (U. S.):								
Sea	188	362	200	107	120	957	350	190
Northern Lakes	11	8	12	12	24	40	60	114
Philippine Islands	15	23	16	12	2	2		1
Total	214	393	228	131	146	999	410	305
Belgium	23	35	26	20	18	39	16	7
Brazil	44	127	44	32	27	24	18	13
Denmark	70	107	74	90	71	47	35	13
France	220	302	115	176	91	190	81	58
Germany	248	330	197	88	18			
Greece	30	64	64	25	10	34	33	11
Holland	219	167	85	101	50	76	79	35
Italy	101	91	74	67	33	108	99	61
Japan	487	384	312	154	88	170	110	59
Norway	447	267	207	244	113	118	95	53
Russia	115	163	78	60	32	41	16	6
Spain	111	99	82	62	52	91	64	20
Sweden	330	262	151	130	88	46	29	19
Other countries and flag not recorded	331	330	197	117	130	148	63	56
Total	4,903	5,824	2,785	2,065	1,370	2,724	1,874	1,306
Countries where owned.	5,000 and under 6,000 tons.	6,000 and under 8,000 tons.	8,000 and under 10,000 tons.	10,000 and under 15,000 tons.	15,000 and under 20,000 tons.	20,000 and under 25,000 tons.	25,000 tons and above.	Total.
British:								
United Kingdom	564	444	169	113	23	7	4	8,113
Australia and New Zealand	1	8	2					579
Canada	27	8	2		2			582
Other dominions	12	6						505
Total	604	466	173	113	25	7	4	9,779
America (U. S.):								
Sea	441	550	58	41	5	2	2	3,573
Northern Lakes	41	132	12					466
Philippine Islands								71
Total	482	682	70	41	5	2	2	4,110
Belgium	20	3	1					208
Brazil	6	8	4	1				348
Denmark	3	7	3	3				622



The number of steamers, according to certain divisions of gross tonnage, owned in the world, etc.—Continued.

Countries where owned.	5,000 and under 6,000 tons.	6,000 and under 8,000 tons.	8,000 and under 10,000 tons.	10,000 and under 15,000 tons.	15,000 and under 20,000 tons.	20,000 and under 25,000 tons.	25,000 tons and above.	Total.
France.....	73	49	26	16	1	1	1	1,400
Germany.....	20	2	1	.....	.....	.....	.....	901
Greece.....	33	60	11	.....	1	1	.....	294
Holland.....	96	40	11	6	.....	2	.....	922
Italy.....	102	57	11	6	.....	.....	.....	789
Japan.....	29	21	.....	2	.....	.....	.....	1,940
Norway.....	12	1	.....	.....	.....	.....	.....	1,595
Russia.....	15	2	1	2	.....	.....	.....	524
Spain.....	13	2	.....	2	.....	.....	.....	601
Sweden.....	51	34	11	3	3	1	2	1,072
Other countries and flag not recorded.....	.....	.....	.....	.....	.....	.....	.....	1,507
Total.....	1,559	1,434	323	199	35	14	9	26,513

NOTES.—A considerable number of vessels, which are not yet completed, appear in this table.

Steamers of less than 100 tons gross, and sailing vessels of less than 100 tons, are not included.

Vessels trading on the Caspian Sea, and wood vessels trading on the Great Lakes of North America, are not included.

In the absence of satisfactory information, the records of numerous small sailing vessels (belonging chiefly to Greece, Turkey, and southern Russia) are omitted from this table.

Japanese sailing vessels are not recorded in Lloyd's Register, and therefore do not appear in this table.

The figures for Russia exclude vessels registered at Esthonian ports.

Late enemy vessels captured or requisitioned by other countries prior to the date of the armistice are included in the figures given for such countries.

Ex-Austro-Hungarian vessels, ex-German steamers, and new steamers recently built in Germany, which have been provisionally allocated to the allied countries since the date of the armistice and appear in Lloyd's Register with a record of the new flag, are included in the figures shown for such countries. New vessels built and owned in the Trieste district (Venezia Giulia) are recorded in Lloyd's Register and are included in the figures for Italy.

Under the heading of "No flag recorded" are included all vessels entered in Lloyd's Register with record of flag, viz:

(a) Ex-German steamers of 1,600 tons gross and above, the allocation of which is not yet known, and a number of ex-Austro-Hungarian vessels inserted in Lloyd's Register as being registered at Fiume or ports south of Fiume.

(b) Vessels registered at Danzig, Memel, Apenrade, and the northern part of Schleswig, and vessels owned in Montenegro and Albania.

(c) Some other vessels regarding which no definite information has been received up to the time of going to press.

Sailing vessels which were under the German flag in 1914 and were not captured prior to the armistice are still recorded as German in Lloyd's Register and in this table.

Mr. JONES of Washington. I wish now to give some data which do not appear in the reports which I have just inserted in the Record. Beginning with ships of 1,000 tons and under 1,500 tons, ships of 1,000 tons to 1,500 tons, and from 1,500 tons to 2,000 tons draw 18 feet of water; that is, they require a depth of water of 18 feet. Ships of 2,000 tons and under 3,000 tons require a depth of 21 feet; of 3,000 tons and under 4,000 tons a depth of 22½ feet; of 4,000 tons and under 5,000 tons, 24 feet; of 5,000 tons and under 6,000 tons, 25½ feet; of 6,000 tons and under 8,000 tons, 27 feet; of 8,000 tons and under 10,000 tons, 28½ feet.

Mr. FLETCHER. May I ask the Senator does that refer to ships which are loaded?

Mr. JONES of Washington. That refers to the draft of the ships when loaded.

Ships of 10,000 tons and under 15,000 tons require a depth of 30 feet; of 15,000 tons and under 20,000 tons a depth of 32 feet; of 20,000 and under 25,000 tons a depth of 34 feet; of 25,000 tons and above from 34 feet to 41.3 feet. It may be interesting to know that the report shows that there were in the world on June 30, 1920, only 9 ships of that draft. I have submitted data giving the number of the other drafts.

I want to state that these depths are figured out by the War Department as nearly as they can be figured. They are probably not absolutely correct, but they are approximately correct.

Mr. POMERENE obtained the floor.

Mr. FLETCHER. May I ask the Senator—

The PRESIDING OFFICER. The Chair has recognized the Senator from Ohio.

Mr. FLETCHER. Will the Senator from Ohio yield to me?

Mr. POMERENE. I yield.

Mr. FLETCHER. The Senator from Washington gave the tonnage of various ships. Does he refer to gross tons, net tons, or dead-weight tons?

Mr. JONES of Washington. I mean gross tons.

Mr. POMERENE. Mr. President, in view of the especial reference which my friend, the Senator from Mississippi [Mr. HARRISON], made to the Ohio River appropriation, I desire to submit a few observations. I am very much in favor of the completion of that project at the earliest moment possible; but I realize the necessity, under present financial conditions, of exercising the utmost economy consistent with reasonable development of water transportation.

I have not been entirely in sympathy with the scheme of river and harbor improvements which has prevailed during the period that I have been a Member of the Senate. It seems to me that we would pursue a wiser policy if we were to take up certain important projects and complete them at the earliest moment possible. If I could have my way, I would first care for the harbors; I would, secondly, care for the Mississippi River, not only because of its commerce but because of the fact that it overflows to the great detriment of an immense and valuable section of the country; and, thirdly, I would take care of the Ohio River. I say this because there is a question in the minds of a great many people as to whether or not river transportation is going to prove as valuable in the future as it did years ago, this, in part, because of the location of the manufacturing plants in industrial centers; but I have enough confidence in the value of river transportation to consent, and consent freely, to the improvement of rivers so that we can demonstrate whether or not the theory is correct.

But I rose to call special attention to the condition in connection with the Ohio River improvement. I find upon examination of the testimony which was taken before the House committee that the average annual appropriation for the Ohio River project during the last five years has been \$4,091,000. That improvement is, I believe, about three-fifths or more completed. Am I correct in that, I will ask the Senator from Louisiana?

Mr. RANDELL. It has been completed to about that extent.

Mr. POMERENE. The chairman of the committee has referred to the large amount of money which remains unexpended and which has already been appropriated. That balance on December 31, 1920, was \$41,658,334.33. As against this sum, on that date there were outstanding liabilities and pledges under contract \$17,648,163.42, leaving a balance available on that date for further improvements of \$24,010,170.91.

When I refer specifically to conditions in Ohio, I find that there is a large unexpended balance for harbor improvements at Toledo, Sandusky, Huron Harbor, Lorain Harbor, Cleveland Harbor, Conneaut Harbor, Port Clinton Harbor, Vermilion Harbor, Fairport Harbor, and Ashtabula Harbor. I have here in the report of the committee the balance unexpended on December 31, 1920, the outstanding liabilities and pledged under contract, and the balance available for each of those projects on that date. I ask that it may be incorporated in the Record without reading.

The PRESIDING OFFICER. Without objection it is so ordered.

The matter referred to is as follows:

Name of work.	Balance unexpended.	Outstanding liabilities and pledged under contract.	Balance available.
Toledo Harbor, Ohio.....	\$17,228.51	\$1,730.68	\$15,497.83
Sandusky Harbor, Ohio.....	179,298.36	119,975.64	59,322.72
Huron Harbor, Ohio.....	4,346.49	51.12	4,295.31
Lorain Harbor, Ohio.....	55,798.81	13,715.27	42,083.54
Cleveland Harbor, Ohio.....	139,747.71	354.77	139,392.94
Conneaut Harbor, Ohio.....	29,518.90	25,074.81	4,444.09
Port Clinton Harbor, Ohio.....	500.50	.....	500.50
Vermilion Harbor, Ohio.....	2,802.68	.....	2,802.68
Fairport Harbor, Ohio.....	238,754.04	.....	238,754.04
Ashtabula Harbor, Ohio.....	98,148.45	.....	98,148.45

Mr. POMERENE. Suffice it to say that on December 31, 1920, for these several harbor projects there was a balance unexpended of \$763,144.42. On the same date there were outstanding liabilities and pledged under contract for these improvements \$160,902.29, leaving a balance available for the improvement of these harbors for the current year of \$602,242.13. So these harbors are pretty well cared for.

Now, a word as to the Ohio River project. I secured the figures which I am about to quote within an hour from the War Department. On December 31, 1920, there was unexpended of amounts already appropriated for the Ohio River \$4,945,901.16. Against this sum on that date there were outstanding liabilities of \$2,913,742.52, leaving a balance available for new

work of \$2,032,158.64. Last year there was appropriated in a lump sum \$12,000,000 for river and harbor improvements. Of that amount \$1,373,000 was allotted to the Ohio River project. Under the pending bill \$15,000,000 are proposed to be appropriated, and, if the Ohio River project is to get the same proportion out of this fund that it got last year out of the \$12,000,000 fund, it would receive \$1,716,250. That would leave available during the fiscal year ending June 30, 1922, \$3,748,408.64, or only \$342,591.36 less than the average expenditures during the last five years for the Ohio River improvement.

Under these circumstances, it seems to me that the committee was justified in limiting this appropriation to the amount of \$15,000,000. I feel particularly that this is true in view of what the chairman of the committee has described as the parliamentary situation. For these reasons, I shall vote against the amendment and vote to sustain the committee.

Mr. RANDELL. Mr. President, I have listened with great interest to the address just made by the Senator from Ohio [Mr. POMERENE]. I am glad to know that he expresses so much solicitude about this river as he has evinced.

I will say, Mr. President and Senators, that it is a great pity we have not finished the Ohio River improvement long ago.

Mr. POMERENE. And the Mississippi.

Mr. RANDELL. And the Mississippi. I hope they can both be put under continuing contracts. As a matter of fact, we undertook to improve the Ohio River in 1876. That is a good many years ago, and we have been trying to improve it ever since. In 1910, 11 years ago, we adopted the 9-foot project under a plan to finish it in 10 years. The idea then was that we would appropriate \$5,000,000 a year. We have not appropriated that sum regularly. I imagine we would have done so, however, had not the war intervened. I am not going to criticize Congress particularly about that.

I think it would be extremely wise, as suggested by the Senator from Ohio, if we could adopt and place under continuing contracts quite a number of the great harbor projects, the great canal projects, and the great river projects in this country. I should be delighted to see them treated in the same manner that we treated the Panama Canal. When we adopted that project we told the engineers to go ahead and finish it as fast as it could be done commensurate with good business principles. They went ahead and finished it in less than 10 years. Compare that, Senators, with the mighty Ohio River, a river that flows for a thousand miles from Pittsburgh to Cairo through the very heart of this continent, a river at whose head—the city of Pittsburgh—there is the greatest commerce within an area of 50 miles anywhere on earth; a commerce in volume, in tons, much greater than the combined commerce of the five greatest seaboard cities in the world; a commerce much of which should go down to the sea in boats through the Ohio and the Mississippi Rivers; and yet we have played with that great stream since 1876, and it is still far from completion.

If there be any project in the United States which should be placed under the continuing-contract system and rushed through, it is the Ohio River, and along with it, of course, should go the Mississippi River. That, Senators, is one of the things that I hope we will take up in a businesslike manner when we consider the legislative bill, which the chairman of the Commerce Committee assures us is to be taken up and passed in the early days of the extra session. Let me say that there are many legislative matters concerning river and harbor appropriations which should be taken up and considered in a very careful, painstaking manner, in a manner which we can not give during the closing days of the short session.

Mr. President and Senators, I was one of the members of the Commerce Committee who assisted in reporting out this bill. I voted, along with every other member of that committee, to report the House bill of \$15,000,000. There was not a dissenting vote. Does that mean that we were satisfied with the bill? Does it mean that every member of the committee was satisfied with it? No, Senators; but it means that the members of that committee are fairly practical men, and they thought it would be better to take the \$15,000,000 than to have no legislation whatsoever. We felt that if we amended the bill by adding a few million dollars—I do not know that we could have added very many—but suppose that we had added \$5,000,000. Then amendments of various kinds would necessarily have been attached, a number of surveys would have been attached, new projects would have been attached, and legislative provisions of various kinds would have been attached.

When we got on the floor the bill undoubtedly would have been debated for two or three days. When finally passed and sent to the House, in my judgment, it would have been held up, and

we would have been extremely lucky to secure the passage of any bill whatsoever. We could not have passed any measure without yielding in every single, solitary particular to the House of Representatives, as we did one year ago.

I do not like to be put in that attitude. I believe that material good can come to the rivers and harbors of this country from the inadequate appropriation of \$15,000,000. I think it is a whole lot better to have that than to have nothing, especially in view of the fact that the Engineer Corps reports a balance on hand on the first of last month of something over \$41,000,000.

Senators, the chairman of the Commerce Committee has told you that a large portion of this \$41,000,000 has been practically lying dormant to the credit of its respective projects for a great many years. Let me submit this question for your consideration: We have been passing a series of lump-sum appropriation bills. I can not forget that one of the great Senators from my own side of the Chamber, the late beloved John H. Bankhead, moved the passage of a lump-sum river and harbor bill several years ago, and his motion prevailed. We passed a lump-sum rivers and harbors appropriation bill one year ago, and under that the Engineer Corps has been expending the money. As a matter of fact, Senators, do we not rely entirely on the engineers anyway? All the information we have about rivers and harbors comes from them. We accept their judgment. We follow their advice. We are giving them in this bill \$15,000,000. Why not give them the right to do the best they can with the \$41,000,000 now lying to the credit of the various projects, at least such portions of that \$41,000,000 as are not pledged, or are not bound by contract in any way? And there are some \$24,000,000 of that \$41,000,000 unpledged, as shown by page 10 of the report attached to this bill.

The balance available and not tied up with any outstanding contracts or liabilities of any kind on the 31st of December last was \$24,000,000. Let me repeat: If we are willing to trust the Chief of Engineers to expend, in prosecuting work on the various rivers and harbors of this country, the sum of \$15,000,000, just as we trusted him last year to expend \$12,000,000 and just as we trusted him several years ago to expend \$20,000,000 in the way that would do the most good, why not authorize him—not now, but in the coming legislative rivers and harbors bill that we are to pass in the near future—to do the best he can with this \$24,000,000?

I submit that for the very earnest consideration of the Senate. The amounts have been appropriated, I grant you, for specific projects. These amounts are now lying to the credit of specific projects; but I wish to remind you that not a dollar of these amounts is going to be expended unless the Engineers think it wise to expend it. Many of those amounts have been lying unexpended to the credit of the various projects for a great many years. Let us be practical. Let us treat this governmental matter as we would if it were a private proposition.

Suppose a private individual owned this great Nation of ours. Suppose that private person had to take care of all these waterways, had to provide for them, and had to the credit of a great many of these waterways \$24,000,000. Would not he, as a wise man, move that money to and fro, from one to another, as the exigencies of the case seemed to demand? Beyond question a single individual would do that. Then, why not authorize the Engineer Corps to do the very thing that a wise business man would do in the conduct of his own affairs?

"Oh," you will say, "we are relinquishing our prerogatives as Members of Congress." Not at all, Senators. You have adopted those projects. You have said that those various projects are worthy of improvement. All that you would do under my suggestion is to say to the Chief of Engineers: "We withdraw the balances now lying to the credit of these respective projects. We place those balances in a lump sum and say to you, 'Do the best you can for all the river and harbor projects in this Nation that Congress has approved.' He could not spend a cent except on an approved project, and he would not be obliged to spend a cent on any one particular approved project."

We have a rule that has prevailed ever since I have been in Congress that Congress will not consider making an appropriation for a project unless it meets the approval of the Engineers. We follow their advice in every project we adopt. It has no legislative status until they have advocated it. Finding ourselves, then, in that position, let us be practical men. When we come to pass this bill, let us give them that authority. I wish to throw this out as a suggestion.

Senators, I do not wish anyone to think that I am satisfied with the appropriation of \$15,000,000 for the rivers and harbors of this great country.



I think it most unfortunate that so small an amount should be appropriated at this time, when transportation rates were never higher than now, when in my own State the railroads are raising the rates an average of 180 per cent over the already existing high rates to many points on rivers, when some rates have been raised as much as 500 per cent on certain commodities to points on waterways, points formerly served by boat, points which unfortunately are no longer served by boat, points where there has been for years potential water competition but not actual water competition, and the railroads have recently put up their rates.

Senators, if the rivers were used, if the waterways were used, if the people of America were getting the actual benefit of water transportation, I think river and harbor bills would be a great deal more popular than they are now. Unfortunately the boats have disappeared from our waterways to a very great extent. Unfortunately we do not use the waterways, and men who never see a boat and never hear of one find it very difficult to vote large sums for the improvement of our waterways.

We heard the Senator from Ohio [Mr. POMERENE] say he would like to see big improvements especially for the harbors. Why is that? There has always been a liberal spirit toward harbors. They have been used. A great many ships enter the harbors along all our coasts. The harbors of the Great Lakes serve a truly colossal commerce. The harbors on the Atlantic, the Gulf, and the Pacific serve an ever-increasing and very valuable commerce. Of course, we are willing to appropriate money for harbors.

Let me say to the Senator from Mississippi [Mr. HARRISON] that I think he is mistaken when he states that the harbor improvement is suffering. I do not look for any serious injury to harbor improvement as a result of the \$15,000,000 appropriation. Let me also call to his attention the fact that harbors are not competitors of railroads. They are terminals of railroads. They are part and parcel of railroad systems. They are co-operators with the railroads. The railroads enter the harbors and unload their freight at the wharves onto ships. The ships in turn enter the harbors and unload their freight onto the railroads. That has not been true of our rivers. They compete with the railways. We have been slow to make appropriations for the rivers and those that were improved have had their commerce driven away by improper and cutthroat competition on the part of the railroads.

Senators, it is most unfortunate, at this period in our history following the great World War, when there are at this moment over 3,000,000 people out of employment, that we can not follow the wise plan adopted by the great Napoleon following the wars in France, when he put into effect a big program of internal improvement of roads and rivers and canals, furnishing work for an immense number of the people of France. We ought to be furnishing work, if it be possible, for the idle people in America. We ought to be going forward with river and harbor improvement instead of backward. We ought to be pursuing a liberal policy instead of a niggardly one.

But the powers that be seem to have determined that we shall not pursue a liberal, broad, comprehensive policy. I for one believe it better to go ahead with a practical program which will give us some relief and which promises in the early days of the coming session a river and harbor legislative bill which in my judgment can be so drawn as to adopt a number of projects, probably continuing some of the present contracts, and to provide for setting aside in a lump sum a large percentage at least of the dormant \$24,000,000 not now being used.

Senators, for these reasons I propose to vote against the amendment of the Senator from Mississippi and to sustain the Commerce Committee in its report.

Mr. FLETCHER. Mr. President, very briefly, I wish to state my position regarding the bill. It is unnecessary to review what has been presented by those who have participated in the discussion to-day, particularly those who are friends of waterway improvement.

I do not agree with the policy indicated in the making of a lump appropriation. I agree with the idea that we should go on with the work of taking care of navigable waterways of the country and that we should not confine our efforts now to the maintenance and the completion of projects already adopted. I know it is difficult in these days to provide funds for many purposes for which we need them, but this is no time to discontinue public works. As the Senator from Louisiana [Mr. RANSDELL] has just said, now, when many men are out of employment, when there is real need for taking care of the industrial conditions in the country as far as we can, is the very time to do this kind of public work.

It is not because I have not full confidence in the Engineers, Mr. President, that I object to the plan of making the lump-sum appropriation. It is because of confidence in the Engineers that I rely and insist upon the other plan, namely, having them, when authorized by Congress, make examinations of the various projects proposed throughout the country, survey them, make estimates of cost and report on them, and then let Congress determine whether or not it is wise to adopt the projects recommended by the Engineers. We have not heretofore approved of a single project, or made appropriation for a single project, which has not been approved by the Engineers.

I do not believe there is any money spent for the Government, any money paid out of the Public Treasury, that is so carefully safeguarded as the money which we appropriate for the improvement of the rivers and harbors of the country. The situation, however, now is that we must determine whether we shall accept what many of us regard as an inadequate appropriation, what the Engineers themselves say is not sufficient to enable them to do the work that ought to be done during the coming year, and whether we shall accept it as the best that can be done, or whether we will jeopardize the whole measure by proposing amendments to the bill and having it go to conference, and then meet with the condition which obtains at the other end of the Capitol. There, as we all know, the rule has been changed. No longer does the Rivers and Harbors Committee of the House provide any appropriation in the river and harbor bill. All appropriations are required to pass through one committee.

In the Senate we have a rule which excepts appropriations for river and harbor improvement from the requirement that all appropriation bills should be considered by the Committee on Appropriations.

As to the appropriation for river and harbor work, the rule has always been that that appropriation shall be embodied in a bill reported from the Committee on Commerce. The bill that we have before us is an appropriation bill. It is not really a river and harbor bill at all. It does not come from the Rivers and Harbors Committee of the House. It passed through the Appropriations Committee of the House and is an appropriation bill pure and simple. If we should amend it in the Senate, it would carry provisions which would not be mere matters of appropriation, and in that event the Rivers and Harbors Committee of the House would raise objection naturally to those provisions and contend that that is their field, that it is not a question merely of appropriation, that it is a question over which they have jurisdiction, and objection would be made to those amendments. We do not know how long those objections might be urged, and therefore, in view of the fact that only a few days remain of this session, that sort of thing, of course, might jeopardize the entire bill.

Consequently, although I do not agree with the policy or concede that the amount provided for is sufficient, and I hope we will get away from the policy of making lump-sum appropriations to take care of river and harbor improvements, and although I think there is real need for providing for new projects and for taking care of some of the projects we adopted on a different basis than merely leaving it to the Board of Engineers to determine what work they will do this year and what work they will put off until next year, I am constrained to think that the wisest course now is to pass the bill and agree to it precisely as it has come from the House.

In the first place, it might be said that with \$15,000,000 for the next year and with the sums remaining available from previous appropriations, the Engineers will be provided with very nearly all they can economically use for one year. The amount which they have heretofore annually expended for river and harbor improvements since 1896 has averaged \$22,662,962. Of course, some years they have spent more than that. In 1915, \$37,710,459 was spent, and in 1914, \$40,214,140 was spent, but the average expenditure annually since 1896 has been \$22,662,962, so that with the \$15,000,000 carried by the pending bill and with the available balance of \$24,000,000, some of which, of course, can not be utilized because it is appropriated for special projects and can not be diverted, but some of which can be expended in the course of the next year, I take it that the Board of Engineers will have somewhere near their usual average expenditure of over \$20,000,000 for the coming year. So that unquestionably a great deal can be accomplished through this appropriation.

The Senator from Mississippi called attention to certain matters this morning and urged that a great many important projects in his State were being neglected and could not be cared for.

Mr. HARRISON. Mr. President, I was not speaking locally this morning. I was speaking of the broad policy, and in the

letter from Gen. Beach to the chairman of the committee he did not call attention to any projects in my State, but it was the larger projects I desired to talk about.

Mr. FLETCHER. I appreciate that also, but, of course, the Senator very properly—and I am not criticizing him at all—stressed the importance to the people of Mississippi of having their waterways, their rivers and harbors, properly improved and taken care of. But I will call his attention, if he has not observed it, to the fact that the different projects in his State seem to have already balances unexpended and balances available for expenditure, and a good many of them without any outstanding obligations against the original appropriation at all. In the item for the Pascagoula River, Miss., there is an unexpended balance of \$3,732.81, and that balance is now available.

Take the Wolf and Jordan Rivers, Miss. I did not know they had a river Jordan in Mississippi before, but there it is. There is an unexpended balance of \$7,410.30, and that entire amount is still available, and there is no outstanding contract against it.

Take the East Pearl River, Miss. There is an unexpended balance of \$7,340.07, and that amount is now available.

Take the Pascagoula Harbor, Miss. There is an unexpended balance of \$24,744.45, and the balance available against it—there is no contract or obligation whatever—is \$19,744.45. So that that work can go on under the previous appropriation. It is the same way with Gulfport Harbor and Ship Island Pass. There is an unexpended balance of \$26,602. Against that there are outstanding liabilities and pledged under contract amounting to \$19,857.59, leaving a balance available of \$6,744.89.

With reference to South Pass, Miss., which the Senator mentioned, there is an unexpended balance in that item of \$853,515.61, outstanding liabilities and pledged under contract, \$748,245.06, leaving a balance available of \$105,270.55. So that the work can go on. These contracts can proceed during this year, and there is a balance available for additional contracts to the amount of \$105,270.55.

I merely mention this to illustrate that unquestionably there are items included under the head of "balance unexpended" which will enable the Engineers to carry on the work involving an expenditure of quite the average which they have undertaken in the past number of years, of over \$22,000,000 in the coming year.

The Senator from Ohio [Mr. POMERENE] mentioned the balance in the Ohio River item. For Ohio River locks and dams there is an unexpended balance of \$4,945,901; outstanding liabilities and pledged under contract, \$2,913,742; leaving a balance available of \$2,032,158. That, of course, can be utilized without drawing upon the \$15,000,000 carried by the bill. The Ohio general improvement item has a balance available of \$160,515.

So that I am quite convinced, Mr. President, that we are not doing a useless thing, by any means, when we pass this bill and accept its provisions as they came from the House. On the contrary, by proper management and control over these balances available, exercising the latitude which the law permits in that connection, and with the \$15,000,000 carried by the bill, these great public works can be conducted not as extensively as they should be, perhaps not with that entire volume of work being carried on which otherwise could be carried on, but about as extensively as the work has been done in the last number of years.

The assurance that at the extra session of Congress the Rivers and Harbors Committee of the House will act and will submit certain legislation looking to the adoption of other projects, perhaps, and other matters which ought to be taken care of in a regular river and harbor bill, justifies us now, I think, in taking care of the appropriation at this time, and looking for the next few months to enable us to legislate upon the broad question and stand firmly by a broad policy with reference to our rivers and harbors.

That, Mr. President, is a thing which the public desire, and I am quite sure that the action of the committee in reporting a bill on this subject indicates their purpose to pursue it, and I do not expect that we will have to wait longer than the extra session in order to undertake a proper legislative program in connection with rivers and harbors. I am sure at that time we will be able to find out of this unexpended balance of \$41,658,334 very considerable sums which would never be used, carried as they are, because projects have been completed in many instances, and because work has been discontinued in various rivers. These sums have been assigned to particular work and can not be diverted, but we will be able to sift those all out and find in that grand total millions of dollars which we can apply to the new work and to the improvements which it is now desired shall be made.

Mr. President, I therefore am opposed to any amendment to this bill whatever, and I think we ought to pass it precisely as it came from the House and end this question here now.

Mr. FRELINGHUYSEN. Mr. President, I have a great deal of sympathy with the amendment offered by the Senator from Mississippi [Mr. HARRISON]. I think the last thing we should economize in is river and harbor improvement. If we are going to build and develop a merchant marine, I feel that it is absolutely necessary that our harbors should be deepened and widened for that commerce; and recently having had some experience with sand banks and mud banks, I think I can speak feelingly on this subject.

I have in mind one project that has been presented to the Engineers of the department, and has been approved by them, and is now being delayed by lack of improvement. That is the great waterway which runs from Raritan Bay around Staten Island, known as Kill Van Kull, Staten Island Sound, and Arthur Kill, Raritan Bay, and continuing, forming the channel around Staten Island.

To show you what harbor improvement and deepening a channel may mean, I refer to the deepening of that channel in 1902 from 15 feet to a depth of 21 feet. The tonnage in 1902 was 14,000,000 tons, but in 1910 it had increased to 27,000,000 tons, and to-day over that waterway route there is nearly 40,000,000 tonnage carried in a year.

During the year the Shipping Board constructed cargo boats drawing 28 feet, many vessels designed to draw more than 27 feet of water were constructed at this point by the Shipping Board, and yet one of the channels at the outlet was only 21 feet deep.

The Engineers, following the request of the Staten Island Deeper Waterways Association, made a survey, and recommended that this channel be deepened to 30 feet for 400 feet in width, at a cost of \$10,400,000 for the entire improvement, and that \$3,000,000 be appropriated as the initial appropriation.

Remember, now, that this parallels New York Bay; that it takes care of practically all of the ocean-going tonnage furnished by those great industries—the Standard Oil Co., the Singer Sewing Machine Co., and those great fertilizer companies and machine shops scattered along that great water highway—and one of the great improvements is to widen the neck of the bottle, because if there is a congested traffic anywhere in this broad land it is right there in New York Harbor, where these great railway transportation lines converge, and, naturally, by reason of the harbor facilities being across New York Bay and restricted facilities on the New York side, most of these goods have to be lightered to the New York warehouses for transshipment across the ocean. Therefore that terminal facility is narrowed by reason of the fact of these restricted waterways.

I should like to ask the Senator from Washington what is going to happen to that project? Is it to be delayed? Is it to be indefinitely postponed or is it the policy of the Committee on Commerce to urge that those harbors and many other improvements along the Atlantic and Pacific Oceans, and many other improvements contemplated, shall be halted by the parsimonious policy of the House and this administration or is it their policy to go on and develop the commerce of this country?

Mr. JONES of Washington. Mr. President, that is rather a broad question.

Mr. FRELINGHUYSEN. I think the Senator will concede it is a very important and grave question at this time.

Mr. JONES of Washington. Mr. President, I think the answer ought to be evident—that is, that it will be the purpose of the Committee on Commerce to do everything that it can in a reasonable way to promote the commerce of the country and to make the facilities at the different ports available for the commerce that would naturally come to them.

In a general way, I recognize the situation to which the Senator from New Jersey has referred. I feel that the conditions at that point need attention, and ought to be attended to just as soon as is possible, and I hope in the next Congress, if not at the extra session then at the regular session, in the general legislative bill we expect to pass—that situation will be dealt with, and dealt with in a proper way.

I have not looked into the matter carefully, but I understand there is a joint commission of the two States of New York and New Jersey that is considering the port facilities there with a view, I take it, of making recommendations from their standpoint as to what ought to be done. I do not know that that commission has as yet reached a conclusion, but from what I know of the situation I feel that something should be done. Whether it should be done entirely by the National Government or in cooperation with the State of New York and the State of



New Jersey, or with the municipalities there, I am not now prepared to say, but something ought to be done to furnish better connections between the railroads which bring the products from the various parts of this country and the ships that come into the harbor there to take those products to the various ports of the world.

When I was at Newark a short time ago, as the Senator from New Jersey knows, it was stated there as a fact—and I have no reason to doubt it—that it costs just as much to get a carload of products across from New Jersey to New York where they can come in touch with the ships to carry those products to the ports of the world as it costs to get a carload from the city of Pittsburgh to Newark, N. J. It seems to me that such a condition of things like that ought to be met in some way and that better port facilities must be provided in that great port.

Let me say frankly that I should like to see those products of the country that are naturally tributary to certain ports go to those ports. I do not like to see the products of the country destined for shipment abroad artificially, apparently, centered in one great port. That expression does not indicate any antipathy to the port of New York, and when I speak of the port of New York I include Newark also, because it seems to me those harbors are all really one port and should be developed as one port.

Mr. FRELINGHUYSEN. It is all part of one great project.

Mr. JONES of Washington. Yes; it should be developed in that way, and that is the way I wish to see it developed. Notwithstanding that desire, however, I do want to see ample facilities, proper harbor facilities, developed there, so as to take care of the matter in the most expeditious and the cheapest way. A great proportion of the produce of the country must naturally go to that port for shipment, and will continue to go there. I wish to say to the Senator from New Jersey that, so far as I can, I shall do everything possible to aid in what may be deemed a proper and wise and fair way the development of the port facilities in the great ports of which he has spoken.

Mr. FRELINGHUYSEN. Mr. President, I should like to ask the Senator from Washington another question before he takes his seat. I understand that in connection with the contemplated improvement of the Kill Van Kull and Staten Island Sound, the deepening of that channel to 30 feet and widening it to 400 feet, there are some \$100,000 or \$200,000 now in the hands of the Engineers which have been heretofore appropriated for those particular channels. Would it interfere with the passage of the pending bill if an amendment were introduced permitting the department to utilize those funds for that project which has been approved by the Engineers?

Mr. JONES of Washington. I think it would.

Mr. FRELINGHUYSEN. I have the Senator's answer.

Mr. UNDERWOOD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Lodge	Spencer
Ball	Harris	McKellar	Stanley
Calder	Harrison	McNary	Sterling
Capper	Heflin	Moses	Sutherland
Chamberlain	Jones, N. Mex.	Nelson	Swanson
Curtis	Jones, Wash.	New	Thomas
Dial	Kellogg	Overman	Townsend
Dillingham	Kendrick	Poindexter	Trammell
Elkins	Keyes	Ransdell	Underwood
Fletcher	Kling	Robinson	Wadsworth
Frelinghuysen	Kirby	Sheppard	Walsh, Mass.
Gay	Knox	Simmons	Williams
Gerry	La Follette	Smith, Md.	Willis
Gooding	Lenroot	Smoot	

Mr. McNARY. I desire to announce that the Senator from North Dakota [Mr. GRONNA], the Senator from Oklahoma [Mr. GORE], and the Senator from South Carolina [Mr. SMITH] are absent on business of the Senate in connection with the Agricultural appropriation bill.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

#### MILITARY NOMINATIONS.

Mr. ROBINSON obtained the floor.

Mr. CALDER. Mr. President—

Mr. ROBINSON. I yield to the Senator from New York.

Mr. CALDER. I thank the Senator from Arkansas for yielding to me. I wish to address the Senate for a moment or two on the pending bill.

Mr. ROBINSON. I did not understand the Senator desired to make an address.

Mr. CALDER. I will say to the Senator that I am compelled to leave in a few moments to attend a meeting of the Finance Committee.

Mr. ROBINSON. I myself will be obliged to leave in a few moments. I thought the Senator desired to submit some document.

Mr. President, some time ago the attention of the Senate was called to a number of military nominations respecting which no action whatever has as yet been taken by this body. The nominations which I now have in mind are promotions to the rank of major general, 11 in number; and promotions to the rank of brigadier general, 22 in number. The Army reorganization act directed the appointment of 11 majors general and 22 brigadiers general. It provided that selections for the rank of major general shall be made from a list of brigadiers general of the line and selections of brigadiers general shall be made from the list of colonels, with the further proviso that officers who had served for a period of 22 years in the Army of the United States might be accorded that grade. Pursuant to the express mandate of Congress recess appointments were made. Four were made about June 23, 1920, and the remainder about July 16, 1920. At the beginning of the present session the President sent these nominations to the Senate. In the ordinary course of procedure they would have been promptly disposed of. The Senate, however, up to this date has failed to hold a single executive session for the consideration of these nominations and has failed to take action respecting any one of them.

Promotions in the Army ought to be solely with regard to the best interests of the service and in fair recognition of the abilities and services of those promoted. I make the declaration now, after an investigation extending over a period of some weeks, that the law which Congress passed regulating the selection of officers for the ranks of major general and brigadier general has been strictly complied with in letter and in spirit.

A few days ago the Senator from Georgia [Mr. HARRIS] published in the Record a list of these nominees for promotion in the Army, together with somewhat detailed statements of the records of the officers promoted. So far, the Senate has not only failed to act, it has not only failed to function in this particular, but no reason within my knowledge has been assigned for the extraordinary course that is now being pursued.

These officers, those who made the selections, and the people of the country are entitled to know the reasons for the failure of the Senate to act upon these nominations. When I consider the large number of officers who have rendered conspicuous service in recent years, I am not surprised that difficulty should have been experienced in making these selections; neither is it surprising that there should be omitted from the list officers who have contributed to the glory and to the success of our arms.

I have referred to the fact that under ordinary conditions these nominations would have been quickly disposed of; that they were made entirely independently of political considerations and without political influence. I shall not claim the time of the Senate to review in detail the records of all these officers for the services of every one in both lists fairly illustrate the gallantry and efficiency of them all. I am determined, however, that the Senate shall have an opportunity to consider this subject and to act upon it if it desires to do so before the end of the present session. A failure to take action respecting these nominations is in an important sense a stigma upon the officers.

It may be proper and fairly within the range of political expediency, under the circumstances that exist, to hold up nominations for political appointments. That practice has been indulged in heretofore; but never before in the history of the United States have military nominations been denied consideration and confirmation solely for political reasons. If political influences had dictated or contributed to the nominations, such an issue might not reflect discredit on the Senate of the United States; but since these nominations have been made in strict compliance with the laws passed by Congress, it is, to say the least, regrettable beyond my power of expression that the glory of our military service should be dimmed, that the gallantry and heroism of a number of its leaders should be discredited, by a failure of the Senate to discharge its constitutional function.

You may say that in declining to give consideration to these nominations there is no intention to reflect upon the nominees. Whatever may be the intention of those who persistently decline to permit a consideration of these nominations, the result is inevitable. Every officer who is rejected through a failure of the Senate to function is discredited in the eyes of those who expect the Senate of the United States, in the discharge of this high constitutional duty, to be governed by considerations of loyalty to the flag, loyalty to the Army, loyalty to the Government, and by those considerations alone.

Among the names sent by the President to the Senate in obedience to the mandate of Congress is that of John L. Hines, of West Virginia. Let me bring to the attention of Senators

an epitome of his record, a partial statement of it, prepared from the records of the War Office.

John L. Hines went to France with Gen. Pershing as Assistant Adjutant General, commanded the Sixteenth Regiment, First Division, First Brigade, at Cantigny, when American troops first took the offensive in the war and won the first American victory. He commanded the Fourth Division, which made the attack in the Argonne, breaking the Hindenburg line, September 26, 1918, going beyond its objectives. His division stayed for 24 days in the line in the Argonne, the American Army record, and during the war sustained 13,000 casualties. His unit was in the heaviest fighting that any division was called upon to do. At Solissons he was given the distinguished service cross upon the field of battle for conspicuous gallantry, and was in the line on October 12, when he was given command of the Third Army Corps, commanding twice the number of men in the Union Army at Gettysburg.

France, Belgium, and Italy signally honored this great American soldier by decorating him. In obedience to the order of Congress he has been chosen as one of the 11 to receive the rank of major general. Throughout this entire session of Congress the Senate has refused even to consider his claim to this distinction.

Another illustration: Take the case of Maj. Gen. James W. McAndrews of Pennsylvania. That officer organized and commanded the schools at Langres, France, which turned out the officers for the American Expeditionary Forces. He relieved Maj. Gen. Harbord as Chief of Staff at Chaumont, and in that capacity served to the end of the war. He carried out the remarkable movement of the American troops around the salient of St. Mihiel into the Argonne, making that offensive possible, one of the great accomplishments of the war.

A few miles from Washington in a hospital Gen. McAndrews lies bedridden, suffering the results of exhaustion which he experienced by reason of his service. He, too, has been honored by every country associated with this Government in the conduct of that war, and it now remains for the Senate of the United States to do its duty and either confirm or reject his nomination.

I challenge the Senate to take a vote on the confirmation of these nominations. I challenge Senators who have used obstructive processes to prevent the nominations from being referred to the Committee on Military Affairs, to give a reason for that course that does not at the bottom sound in politics and petty politics at that.

Every name on the list is associated with service of vital importance to the success of our cause during the war. For instance, take that of Gen. Charles C. Menoher, another native Pennsylvanian. He commanded the Forty-second Division until almost the end of the war when he was given the Sixth Corps. This division, the celebrated Rainbow Division, glorious in the military annals of the Nation, sustained 14,000 casualties, conceded by all to have been one of the very best divisions in all the ranks of the Allies, commanded by as gallant a soldier as ever went to battle. The record is before the Senate which discloses the merit, the efficiency, and the courage of the other eight officers who have been nominated for promotion to the rank of major general.

I turn now for a moment to the list of names nominated for promotion to brigadier general. It happens that I am not personally or intimately acquainted with a single officer on either of the lists save one. I should be proud, however, as a citizen and as a Senator to contribute to the distinction which the Government is seeking to confer upon them in any way that may become known to me.

As illustrative of the service of those who have been named for brigadier general let me call attention to Dennis E. Nolan of New York. This officer went to France with Gen. Pershing. He was Chief of Intelligence of the American Expeditionary Forces, organizing and conducting the American military secret service which gathered information from the enemy and enemy sources, and with great ability combatted the highly specialized espionage system of the German general staff.

In September, 1918, when the Argonne offensive was launched and there was desperate need of officers he was assigned to command a brigade of the Twenty-eighth Infantry. He commanded it throughout that action, which was marked with some of the bloodiest fighting in the war, and was decorated with the distinguished service cross on the battle field for gallantry under fire. Why should the Senate refuse even to give consideration to the nomination of this brave soldier?

Robert C. Davis, of Pennsylvania, was adjutant general of Gen. Pershing throughout the trying period of the war. His alertness, his efficiency, his constant and fearless devotion to duty have earned the star of a brigadier general.

One other illustration: Ulysses G. McAlexander, lieutenant colonel and colonel of the Eighteenth Infantry, First Division, commanded the Thirty-eighth Infantry, Third Division, during its famous fight on the Marne, July 15, 1918, when it earned the name Rock of the Marne. Gen. Dickman reported after this fight, "No Germans between the Third Division and the river except dead ones." Honored and glorified in the eyes of all mankind, decorated time and again, decorated by France, Italy, England, and Belgium, his name is denied consideration by the Senate of the United States.

Yesterday morning's press, particularly the Washington Post, contained a statement in substance that this action on the part of the Senate in withholding consideration from all these names was prompted by the desire of some one to secure seniority for an officer not embraced within the list. I wonder if there is a Senator who, recognizing the gallantry and the valor, the sacrifices, and the services of these officers, is willing to do injustice to them in order that justice may be done to some one else, justice according to his own conclusion in the matter.

In the Army reorganization act Congress did not vest in the Senate of the United States the responsibility of making these selections. It vested that responsibility in the executive department of the Government. It could not have done otherwise. It did, however, define the manner, the method, and the means of the selection, and every requirement Congress saw fit to make has been complied with, both in letter and in spirit.

Some one had said that Gen. Pershing indirectly has exercised influence in the selection of the nominees. Let me in my humble way bear testimony to the worth and merit of Gen. Pershing. When our Government decided to engage in the war it selected him as commander in chief of the American Expeditionary Force. His previous services had fitted him for that great responsibility. He was not a politician. He was a soldier in every sense of the term. Pershing went to France, took charge of our soldiers there, and throughout the conflict he was in supreme command. The Government adopted and announced the policy of recognizing his authority in all matters that pertained to the conduct of our armies at the front. It sent him immediately any officer that he requested. It sent back home any officer whose services Pershing regarded more valuable in America than in the expeditionary force. This was wise action on the part of the Government. If those charged with responsibility—if the commander in chief had not done this, if he had failed to repose confidence in Gen. Pershing, our Army could not have achieved the success which crowned its efforts. The gallantry, heroism, splendid manhood of Gen. Pershing is illustrated by the fact that he has been a modest gentleman throughout the period which has elapsed since he came back home. He is comparable in disposition and ability in many respects to the commander of the Union troops during the Civil War—Gen. Grant.

The fact that in the selections made by a board of distinguished officers—and I speak now of the grade of brigadier general—only those were chosen for promotion who had displayed signal ability and unquestioned courage throughout their service is a further demonstration of the forceful character of Gen. Pershing, for probably he was consulted regarding the selection for promotion of officers who served directly under him.

Let some Senator tell the American people why the Senate should not have an opportunity to discuss and consider these nominations. If there is a name in that list which does not deserve the honor which this promotion associates with it, then let that name be rejected. Do not humiliate and stigmatize all these vallant officers because somewhere in the list is some one whom a Senator may deem unworthy. Manliness and courage as well as duty require that the Senate shall not shield itself from responsibility behind its rules of procedure. Let the Senate function.

These men did their duty with conspicuous ability when the success of our armies required their utmost exertion. Now that peace has come, why should not the Senate do its duty, even though it act reluctantly and after great delay? There are Senators here who have served throughout long periods, who have crowned themselves with honor and renown by faithful devotion to duty. Will those Senators, in order to advance the cause of a favorite, do injustice to men admitted to be worthy of the distinction tendered them in these nominations? There is not a Senator present who can not recall the name of some officer dear to him and whom he would like to see promoted. But, Senators, the American people do not want politics to control the selection of major generals and brigadier generals.

If it were not for the fact that in the early future the Executive Department of this Government is to pass into new hands there would not be a single objection to any of these nomina-



tions. The objection now is made en bloc, for the sole purpose—there can be no other—of attempting to induce the incoming President to send in a new list of nominations, to induce him to change this list by leaving off some name or names upon it and placing others there. When you analyze the proposition there can be nothing more said of it. Who wants to establish that sort of precedent?

It is said that the new President will revoke the Executive order of March 30, 1917, putting postmasters under the civil service and that hereafter all postmasters shall be appointed through political influence. He has the power to pursue that course. Let not the Senate of the United States declare to the country that military nominations are to be made in the same or in a similar way. It is fortunate that the greater number of our military officers know little of politics. It happens that a majority of the names on this list are of officers who, if they have any political sympathies or affiliations, are connected with a different political party from that to which I belong. It happens that no officer in that list is a native of the State which I feebly represent, in part, in this body. But I should count myself unworthy of my station here if that influenced me.

Let the Army of the United States be kept out of politics in so far as that end can be accomplished. Let officers be fighting men, ready and willing to earn their distinctions and their promotions in actual service, as these men have earned theirs. If it be known that a Senator or Senators of great influence in this body can send into humiliation and disgrace an officer who has glorified our flag in military service, we wreck the high standard of efficiency and courage which has been erected in the past and maintained in spite of politicians.

These nominations, made in conformity to the law of Congress, in recess, submitted to the Senate when it first assembled in December, are given no consideration whatever. The only way they can be considered, except by unanimous consent, is by the Senate proceeding to an executive session.

Mr. President, I move that the Senate proceed to the consideration of executive business.

#### PROPOSED EXECUTIVE SESSION.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas.

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names.

Ashurst	Gooding	McCumber	Smith, S. C.
Ball	Gore	McKellar	Smoot
Beckham	Gronna	McLean	Spencer
Borah	Hale	McNary	Stanley
Brandeggee	Harris	Moses	Sterling
Calder	Harrison	Myers	Sutherland
Capper	Heflin	Nelson	Swanson
Chamberlain	Jones, N. Mex.	New	Thomas
Cummins	Jones, Wash.	Overman	Townsend
Curtis	Kellogg	Penrose	Trammell
Dial	Kendrick	Phipps	Underwood
Dillingham	Kenyon	Poindexter	Wadsworth
Elkins	Keyes	Pomerene	Walsh, Mass.
Fernald	King	Ransdell	Walsh, Mont.
Fletcher	Kirby	Robinson	Watson
Frelinghuysen	Knox	Sheppard	Williams
Gay	La Follette	Shields	Willis
Gerry	Lenroot	Simmons	
Glass	Lodge	Smith, Ariz.	

The VICE PRESIDENT. Seventy-four Senators have answered to the roll call. The Senator from Arkansas [Mr. ROBINSON] has moved that the Senate proceed to the consideration of executive business.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. On this vote I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. GLASS (when his name was called). I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. KENDRICK (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. McKELLAR (after having voted in the affirmative). I have a pair with the junior Senator from Maryland [Mr. FRANCE]. I transfer that pair to the senior Senator from California [Mr. PHELAN] and let my vote stand.

Mr. OWEN (after having voted in the affirmative). I learn that my pair has not voted, and I therefore withdraw my vote.

Mr. TRAMMELL (after having voted in the affirmative). I was not aware of the fact that my pair, the Senator from Rhode Island [Mr. COLT], was not present at the time I voted. He is absent. I therefore shall have to withdraw my vote, being unable to secure a transfer.

Mr. OVERMAN (after having voted in the affirmative). I understand my pair, the Senator from Wyoming [Mr. WARREN], has not voted. I therefore withdraw my vote.

Mr. DILLINGHAM (after having voted in the negative). I am compelled to withdraw my vote, as I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is not present.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from California [Mr. JOHNSON] with the Senator from Missouri [Mr. REED];

The Senator from Illinois [Mr. McCORMICK] with the Senator from Nevada [Mr. HENDERSON]; and

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN].

The result was announced—yeas 34, nays 36, as follows:

#### YEAS—34.

Ashurst	Harrison	Pomerene	Stanley
Beckham	Heflin	Ransdell	Swanson
Dial	Jones, N. Mex.	Robinson	Thomas
Fletcher	Kendrick	Sheppard	Underwood
Gay	King	Shields	Walsh, Mass.
Gerry	Kirby	Simmons	Walsh, Mont.
Glass	McKellar	Smith, Ariz.	Williams
Gore	Myers	Smith, Cal.	
Harris	Pittman	Smith, S. C.	

#### NAYS—36.

Ball	Frelinghuysen	Lenroot	Phipps
Borah	Gooding	Lodge	Poindexter
Brandeggee	Gronna	McCumber	Smoot
Calder	Hale	McLean	Spencer
Capper	Jones, Wash.	McNary	Sterling
Cummins	Kellogg	Moses	Sutherland
Curtis	Kenyon	Nelson	Townsend
Elkins	Keyes	New	Wadsworth
Fernald	La Follette	Penrose	Willis

#### NOT VOTING—26.

Chamberlain	Henderson	Norris	Smith, Md.
Colt	Hitchcock	Overman	Trammell
Culbertson	Johnson, Calif.	Owen	Warren
Dillingham	Johnson, S. Dak.	Page	Watson
Edge	Knox	Phelan	Wolcott
Fall	McCormick	Reed	
France	Newberry	Sherman	

So the Senate refused to proceed to the consideration of executive business.

#### EMERGENCY TARIFF—CONFERENCE REPORT.

Mr. PENROSE. Mr. President, I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes. I ask that the report may lie on the table and be printed in the RECORD.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 23, and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 19, 20, and 21, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "35"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert a comma and the following: "except rice cleaned for use in the manufacture of canned foods, on which the rate of duty shall be 1 cent per pound"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and

agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert a semi-colon and the following: "olive, 40 cents per gallon in bulk, 50 cents per gallon in containers of less than 5 gallons"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"19. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 degrees, one and sixteen one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscope test, four one-hundredths of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above 40 degrees, 24 per cent ad valorem; testing above 40 degrees and not above 56 degrees, 34 cents per gallon; testing above 56 degrees, 7 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"20. Butter, and substitutes therefor, 6 cents per pound."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"24. Wrapper tobacco, and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, \$2.35 per pound; if stemmed, \$3 per pound; filler tobacco not specially provided for in this section, if unstemmed, 35 cents per pound; if stemmed, 50 cents per pound."

"The term 'wrapper tobacco' as used in this section means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term 'filler tobacco' means all other leaf tobacco."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"25. Apples, 30 cents per bushel."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"26. Cherries in a raw state, preserved in brine or otherwise, 3 cents per pound."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"27. Olives, in solution, 25 cents per gallon; olives, not in solution, 3 cents per pound."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "16 and 18"; and the Senate agree to the same.

BOIES PENROSE,

P. J. McCUMBER,

REED SMOOT,

*Managers on the part of the Senate.*

J. W. FORDNEY,

WM. R. GREEN,

NICHOLAS LONGWORTH,

*Managers on the part of the House.*

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had to-day approved and signed the bill (S. 4582) to declare Bayou Cocodrie nonnavigable from its source to its junction with Bayou Chicot.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. H. Overhue, its assistant enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 15422) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes; that the House had receded from its disagreement to sundry amendments of the Senate to the bill and agreed to the same; that the House receded from its disagreement to certain sundry amendments of the Senate and agreed to the same with amendments; and that the House insisted upon its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 11, 16, 21, 22, 23, 31, 32, 33, 34, 35, 36, 37, 38, 39, 60, 76, 78, 80, 81, 82, 87, 101, 102, 103, 104, 105, 132, 133, 134, 141, 142, 151, 152, 162, 163, 164, 165, and 166, and requested a further conference with the Senate thereon.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 1300. An act for the relief of Alfred E. Lewis;

H. R. 15682. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922;

H. R. 1856. An act for the relief of Arthur J. Burdick;

H. R. 13402. An act for the purchase of land occupied by experiment vineyards near Fresno and Oakville, Calif.;

H. R. 15662. An act to extend temporarily the time for filing applications for letters patent, for taking actions in the United States Patent Office with respect thereto, for the reviving and reinstatement of applications for letters patent, and for other purposes; and

H. R. 15872. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922.

#### GOVERNMENT CONTROL OF TELEGRAPH AND TELEPHONE SYSTEMS (S. DOC. NO. 415).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and with the accompanying papers referred to the Committee on Post Offices and Post Roads and ordered to be printed.

*To the Senate and House of Representatives:*

Pursuant to the provisions of an act of Congress entitled "An act to repeal the joint resolution entitled 'Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war and to provide just compensation therefor, approved July 16, 1918, and for other purposes,' approved July 11, 1919, I am transmitting herewith a report made by Albert S. Burleson, Postmaster General of the United States, supplementing his report of October 31, 1919, and giving a final account and report of the financial operations of the telephone and telegraph systems by the United States during the period beginning August 1, 1918, and ending July 31, 1919, and of the expenditures from the appropriation in the act approved June 5, 1920, reading as follows:

"For payment of the deficit incurred in the operation of the telegraph and telephone systems during the period of Government control and to carry out the provisions of the joint resolution approved July 16, 1918, and the act approved July 11, 1919, with reference to just compensation to the owners of the telegraph and telephone systems for the supervision, possession, control, and operation of their properties by the United States during the period beginning midnight, July 31, 1918, and ending midnight, July 31, 1919, \$14,000,000, to remain available until June 30, 1921."

WOODROW WILSON.

THE WHITE HOUSE,  
25 February, 1921.

#### RELIEF OF DISTRESS ABROAD.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and with the accompanying papers referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

*To the Senate:*

Supplementing previous communications on the subject, I transmit herewith a report from the Secretary of State, enclosing additional papers pertinent to the Senate resolution of



January 3, 1921, requesting the Secretary of State to obtain and report to the Senate certain information with respect to the distressful conditions of women and children in foreign lands.

(Enclosures: Two.)

THE WHITE HOUSE,

25 February, 1921.

WOODROW WILSON.

DEPARTMENT OF STATE,  
Washington, February 21, 1921.

THE PRESIDENT:

In further response to the Senate's resolution of January 3, 1921, requesting the Secretary of State to obtain and report to the Senate accurate information as to the actual conditions and the need of relief for women and children in various distressed nations, the undersigned, the Secretary of State, has the honor to lay before the President, with a view to their transmission to the Senate, if his judgment approve thereof, additional papers pertinent to the Senate resolution, namely: despatches from the American Minister at Prague and the American Commissioner at Budapest, dated January 25th and 20th respectively.

Respectfully submitted.

BAINBRIDGE COLBY.

(Enclosures: 2 as above.)

(No. 398.)

PRAGUE, January 25, 1921.

The honorable the SECRETARY OF STATE,  
Washington.

SIR: I have the honor to report on the conditions in the Czechoslovak Republic as requested in the department's circular telegram of January 7, 1921, 7 p. m.

I shall confine the major part of this report to the food situation as it affects the women and children. This is the vital need at the present time, and I shall only refer briefly to the need for clothing and medical assistance to fight the threatened typhus epidemic in Carpathian Russia, and the tuberculosis situation. Accurate information on these latter subjects is, however, not available at present.

Upon my arrival in Prague as the first American minister to the Czechoslovak Republic, I was informed by the acting Minister of Foreign Affairs that the American Relief Administration had literally saved the country from bolshevism. Since then I have been in close touch with this agency, even since it ceased to be a governmental organization, and continued its work as the European Children's Fund. As the organization was hastily got together after the armistice, there is much that could be said in criticism, especially at the beginning; on the whole, however, I believe the work has been carried on with due regard for American interests, and with the constant aim in view of withdrawing at the earliest opportunity and leaving the work to be continued by the Czechoslovak Republic and local agencies.

Independent investigators are frequently sent from the main office in London to check the work of the local organization, and much care is exercised in laying out the work. In addition, I have been in close touch with experienced men from other organizations, such as the American Red Cross and the Rockefeller Foundation, who have testified as to the necessity of feeding the children, and the benefits thus accomplished.

As stated above, the relief given by America to this country has been considered of prime importance. This relief is still being extended and the question is, shall the American people continue it, or shall it be stopped at once? If no assistance had ever been given, it might not be advisable, from the purely humanitarian point of view, to give it now, since the need here is less in comparison with the appalling conditions which exist in other countries. However, this country is justified in asking for the continuance of American relief measures, not only because of the necessity, but because Czechoslovakia is making valiant efforts to reestablish itself not only in this respect, but economically as well, and, in my opinion, it is making considerable progress in the right direction.

Since the initial United States Government credit in 1919 for flour purchases, this country has been able to secure flour in sufficient quantities to take care of the greater part of the industrial population. However, the distribution has been poor; outlying districts have suffered; and a large part of the population has been undernourished in consequence. This means that their productive ability has been considerably curtailed. (As evidence of this, the miners of Moravska Ostrava have agreed to work on Sundays if the Government will grant an advance of 10,000,000 crowns for additional food rations. The miners of the Falkenan district agreed to increase their output from 20 to 40 per cent provided certain extra rations were furnished them. This latter information was furnished me by a reliable American who negotiated an agreement with the miners on behalf of an American syndicate.)

The Government food policy is open to criticism in many respects. The situation has been reported on in detail in my weekly dispatch No. 396, of January 18, and in previous reports. Poor distribution and maladministration are largely responsible for shortages, especially in Carpathian Russia and Slovakia, where the entire transportation system and governmental machinery is being built up, with a lack of trained officials to draw upon. Prague, the capital, would have been without flour over Christmas if it had not been for a temporary loan of 1,700 cars from American relief stocks. Several similar instances can be cited where the emergency aid of American relief has prevented serious labor troubles in industrial centers due to failure of Government stocks.

The food shortage affects, in a general way, all the nonfarming population, which is more than one-half of the total. Acute want is felt in three particular districts, the mountainous region in northern Bohemia, the hilly districts of Trencin in Slovakia, and the territory of Carpathian Russia. The causes of the shortage are, in addition to

the factors already mentioned, the reduction of the cultivable area due to diminution of live stock and of man power; the impoverishment of the soil due to lack of phosphates and nitrates, fertilizers essential to soil under cultivation for so many hundreds of years, and to fixing of maximum prices during the war; and the prohibition of free trade in grain, which discourages the farmers from endeavor. It is estimated that the crop production has decreased 40 per cent since 1914; the production in 1920 is 10 per cent below that of 1919. The farmers are feeding their own grain to pigs and cattle, since meat prices are not subject to control and therefore they can sell meat at better prices than they can get for grain. This factor contributes to a grain shortage which the Government is unable to deal with. I wish to call the department's attention to the fact that even should the Czech Government remove the fixed price on flour and allow it to be sold in the open market, the maldistribution would perhaps continue to an even greater degree, and the relief from America in the form of flour would still be necessary.

To tide the nonfarming population over the critical period, the State has kept down the price of grain requisitioned from the farmers to less than one-third or even one-fourth the price obtainable by clandestine sale. Home supplies are therefore inadequate. Forty-five thousand carloads must be imported this year from abroad, in addition to 90,100 carloads expected to be raised by the farmers of the country, not including Carpathian Russia. The food crisis at the present moment is due to the failure of the farmers to deliver enough grain and to insufficient imports from abroad. Only 12,531 carloads of flour and grain have so far reached this country from abroad; an amount somewhat larger than that has been purchased and is on the way, but much remains still to be bought. Negotiations are under way for the purchase in London of old Chinese flour from British Army stores on three months' credit.

The fall in the price of sugar, Czechoslovakia's mainstay, compels her to seek credits for the purchase of food for her people and raw materials for her industries, and she has difficulties in obtaining this credit. Despite this, however, the country as a whole is fairly well supplied with meat, bread, and sugar, although at prices beyond the reach of the mass of the population.

Direct benevolent help is needed in the three districts above mentioned. They are hilly, nonproductive countries, hard hit by the war in the matter of food. Slovakia and Carpathian Russia always furnished a large percentage of emigrants to America, and a larger number of Carpathian Russians now live in America than remain in the old country. There, as in Slovakia, a large part of the population used to go down for the spring and summer months to work in the rich Hungarian plain.

In Carpathian Russia the problem is further complicated by the evacuation of two-thirds of its richest part by the Rumanians, who had occupied it until six months ago. In this short time the whole Government machinery for taking over these districts has had to be built up, with but scant material to draw upon. Most of the old officials are loyal to the Magyar Government, and the local population is backward and illiterate. All rail and wagon communication to the eastern part of the country is obliged to pass through Rumanian territory, and this is an additional handicap.

The first of the districts mentioned, northern and northwestern Bohemia, largely populated by Germans, maintained itself by industries and trade, workmanship, and craftsmanship, with very little agriculture.

It would seem that if the Government could not regularly distribute its own food to the population that the work of the children's organization would also be affected. This is true; and trouble is continually cropping up. But the work of the American officials is to watch the situation, and, as the amount of food for children is small in comparison with the total need, the distribution is effected with fair efficiency. American help for the children of Czechoslovakia, which at its height furnished one good meal a day to half a million children, has now been reduced to feeding practically the above-mentioned districts. (The distribution in Slovakia is in the hands of Lady Paget's British mission, but the food comes from and is paid for by the American relief administration.)

Due to a shortage of funds, the number now fed is about 100,000, but it is hoped that this number can be doubled. This help is absolutely indispensable. In the districts where it is given the population was actually dying out in 1918. In entire districts the deaths outnumbered the births by almost three to one. (In the whole Republic death from consumption has doubled since 1913.) In some of the districts in question approximately 60 per cent of the children showed clinical signs of malnutrition. In northern Bohemia the problem is a heritage from Austria-Hungary. In some of the towns where the American Relief Administration is working two-thirds of the population was fed from public kitchens during the war. In these outlying districts distribution of food is further complicated by slow communication due to the lack of railway cars and equipment. Contraband prices of bread and nearly all kinds of food there are almost double those in Prague. The population can not afford the price of contraband food. More than half of the workmen in some of the districts have emigrated either to the mining districts or to Germany. Industries are working at one-fifth to one-third capacity. The American Relief Administration in one district has saved hundreds of children's lives from death of edema, and in the Republic hundreds of thousands of children have been saved from becoming crippled, dwarfed, consumptive, anemic human stock.

The American food for Czechoslovakia arrives at Hamburg, all expenses of transportation, preparation, and distribution after that are borne by Czechoslovakia. The American contribution since 1919 has amounted to \$4,421,448.16 and the Czech contribution to \$887,096.26. At the present depreciated exchange this may be considered as more than equal to the contribution from America. Over a million meals have been served at an approximate cost of 2 crowns per meal, including all the expenses. The overhead expenses are very small. From over 40 Americans at the beginning of 1919, the number has been reduced to 4 who exercise general supervision. There are in addition 155 local employees and physicians, whose salaries are paid by the Czechoslovak Government, and 10,000 volunteer workers. The overhead expenses for the American Relief Administration are 1 cent for 25 meals, and the overhead expenses for the American Relief Administration plus the Czechoslovak children's relief 1 cent for 12½ meals. Ninety-five per cent of the money goes into food, with 3 per cent for transportation and 2 per cent for overhead expenses.

The stamping out of epidemics by the Czechoslovak Red Cross, under the presidency of Dr. Alice Masaryk, has won praise from independent observers, Americans, and others. Prof. Gunn, of the Rockefeller Foundation, emphasizes the urgent need for child feeding and care of

tuberculosis patients. After a careful study of the statistics, which he admits are inaccurate, Dr. Gunn states that the tuberculosis situation here is very bad, especially among children, as compared with the United States. He attributes a large percentage of this to under-nourishment, and notes a great improvement in this direction, as well as in the infant mortality rates since the introduction of American child relief in 1919. He reports considerable progress by the Czechoslovak Red Cross in developing means for fighting this disease, but states that years of work are necessary before great progress can be made.

In conclusion, I would state that the resources of Czechoslovakia in agriculture, mining, and industries are of the best. Her population, particularly in Bohemia and Moravia, is composed of educated, trained, and efficient workmen, both on the farms and in the shops. The whole attitude of the people is characterized by a worthy ambition to be not only a self-supporting but a contributing factor, economically as well as otherwise, in Central Europe. Self-help is practiced in small and big things, and a sense of duty and discipline is strongly impressed on the national character, both of Czechs and Germans.

The Government has persisted, it would appear wisely on the whole, in saving the State from the shock of high prices of bread for the nonfarming population during the period when the country's industries and trade have not yet recovered their former markets. To do this it has been necessary to purchase grain abroad at market prices and sell to the population at prices which caused the Government a loss of nearly 2,000,000,000 crown a year.

Relief to the children in the districts where acute distress prevails is therefore both deserved and imperative. But it can not supplant the necessity of constructive economic relief to the country as a whole in the shape of long-term credits for the purchase of food and raw materials. The textile industry (cotton) supports a population of 2,000,000. If the misery in Czechoslovakia is not so great as elsewhere in Europe, yet it should not be forgotten that the country on that very account is nearer to economic recovery and is separated by less than are other States from the day when it will become a contributing factor to the recovery of the rest of Europe. The desirability of speeding up this day is therefore a strong argument in favor of helping Czechoslovakia in both directions—of saving the children and of assisting the State by means of credits for raw materials and food. I personally can not too strongly emphasize the need for this latter constructive relief. Unless America does something along these lines we may look forward to an indefinite continuation of demands for American charitable help. There are some 400,000 orphans and widows as a result of the war, whose condition is such as to appeal to American sympathy. At various times I have personally visited the districts where relief is now being given and have seen barefooted children in the middle of winter walking around in the snow. In Carpathian Russia I have seen delegations of peasants, evidently in great want, just after harvest, asking for help to tide them over the winter and asking for medical aid to fight the typhus epidemic. I can testify as to the gratitude of the population and their admiration for America and everything American.

The work that is being done by American organizations here is on the whole constructive, and the Government, the Czech-Slovak Red Cross, and private organizations are gradually taking over such work as is permanently necessary. In the work of the European children's fund the supervision of Americans is necessary as long as we supply the food. The committees organized by this relief represent all nationalities in the Republic, and Americans exercise a restraining influence on these elements. All reports show that these committees are now operating harmoniously, a fact which could not have been accomplished without American help.

I have the honor to be, sir, your obedient servant,

RICHARD CRANE.

(No. 607.)

AMERICAN MISSION,  
Budapest, January 20, 1921.

The honorable the SECRETARY OF STATE,  
Washington.

SIR: Pursuant to the department's instructions of the 7th instant and supplementary to my telegram No. 299 of the 18th instant, I have the honor to report that the conditions which continue to prevail in Budapest make the feeding of the undernourished children of the population a public necessity. Not only is it a benefit to the rising generation as well as a puissant aid in combating social unrest, but doubtless many lives have been saved thereby. Proof of its necessity is furnished by the poor crop of last year, due to numerous causes, both political and economic, which have necessitated a 30 per cent mixture of maize flour in the people's bread; the abnormally high cost of foodstuffs, which has not been offset by the increase in wages; the shortage of fuel, disorganization of transport, unemployment due to lack of raw materials, and the prohibitory cost of imports due to the low value of the crown.

Hungary is not, however, in a condition analogous to that which exists in Austria. Under more favorable circumstances sufficient food could be produced in Hungary to feed her population, although certain elements are now lacking for the proper nourishment of town-bred children, such as sugar, rice, lard, milk, and some flour, all of which are being imported by the American Relief Administration European Children's Fund.

A detailed account of the activities of that organization is given in a communication addressed to me by Mr. C. G. Bowden, their director for Hungary, under date of the 19th instant, which, together with its annexes, is inclosed herewith. While it would appear that the Hungarian Government is not directly occupied to any large extent in the relief of underfed children, it has contributed some 34,112,000 crowns toward the activities of the American Relief Administration European Children's Fund, as against 183,785,118 crowns (at 200 crowns to the dollar) expended by that organization, and 8,000,000 crowns each by the Hungarian League for the Protection of Children, under the presidency of Count Laszlo Széchenyi, the relief organization directed by ex-Prime Minister Charles Huszar, and the students' kitchen, making a total of 58,112,000 crowns from Hungarian sources.

In a city which is suffering from the moral and economic effects of the late war, the Rumanian occupation, and a short bolshevik régime, the obstacles encountered to the efficient organization and administration are, many of them, well-nigh insufferable. I am of the opinion, however, that the children's feeding fund has met with a high degree of success in overcoming these many difficulties and deserves the highest praise from both the American and the Hungarian public. With regard to the physical effects of their efforts, however, some interesting statistics appear on page 51 of their recently published report, a

copy of which is herewith inclosed and from which it would appear that of 8,870 children fed over a period of seven months and of whom statistics had been kept, 52 per cent lost weight, 20.8 per cent showed no gain, while 27.2 per cent showed an average increase of 1½ kilos, about 3 pounds.

The reason for this striking result is obscure. What might have been the condition of these children if they had not profited by the intervention of the children's feeding organization? It would seem hardly probable that the parents of those who actually lost weight during the period in question had curtailed their food at their own tables and thus saved funds to be otherwise applied or the other members of the family provided with more food. Without a house-to-house inspection this could not be ascertained, an activity quite beyond the powers of those directing an organization engaged in feeding, at one time, 110,357 little ones. However striking these statistics may be, the general results must be judged in their broader aspect—the lesson in charity; the moral effect on the children and their parents; the probable physical deterioration of the children had no one come to their succor; the example of a well-planned organization; the establishment of a precedent for governmental participation in such activities; and the introduction of additional foodstuffs into a country suffering from shortage.

While the Hungarians are grateful for the assistance received they would naturally, as a high-spirited and self-reliant people, desire to assume the care of their own poor as soon as conditions would permit; but they would need the cooperation of foreign humanitarian societies to help them procure the necessary materials to enable them to do so effectively and expeditiously. After the demobilization of their troops and the institution of the scheme of administrative and other economies adopted by the Government, the financial status of Hungary will doubtless be so improved that outside aid in this regard can be dispensed with. Until those projects have become a reality, however, foreign charitable assistance will continue to be not only welcome but necessary.

I have the honor to be, sir,  
Your obedient servant,

U. GRANT-SMITH.

(Inclosures: 1. Mr. C. G. B. to Mr. U. G.-S. January 19, 1921; 2. Printed report European children's fund, Budapest, Budapest, 1920.)

AMERICAN MISSION, BUDAPEST.

(Inclosure No. 1, dispatch No. 607, dated Jan. 20, 1921.)

AMERICAN RELIEF ADMINISTRATION WAREHOUSES,  
(AMERIKAI SEGÍTŐ RAKTÁRAK),  
Budapest, January 19, 1921.

To the AMERICAN COMMISSIONER.

Budapest.

DEAR SIR: With reference to the conversation which we have had in regard to the necessity for the continuation of child feeding in Hungary until the next harvest, I submit the following information:

#### 1. ECONOMIC CONDITIONS.

a. Supply of foodstuffs. The 1920 crop in Hungary was far below the average. The reasons for this are:

1. The disturbances caused by the bolshevik régime.
2. The Rumanian occupation of rich agricultural sections during the season in 1919.
3. The confiscation by the Rumanians of large quantities of seed grains, agricultural machinery, and stock.
4. Unfavorable weather.

As a result of the insufficient yield this country did not have, as it had hoped, a surplus of foodstuffs to export, but, on the contrary, will be able by the most careful management to provide for the population the minimum required for existence until the next harvest. The bread flour is to be mixed with 30 per cent maize. The Government had the flour milled into two grades, one of the finest quality, the other of inferior. It was proposed to sell the first at 42 crowns a kilo, and an appeal was issued that all well-to-do people should buy it as a matter of patriotic duty in order that the Government might be able to sell the inferior grade at 3.50 crowns per kilo, recouping their losses on the profits of the higher grade flour. However, it has developed that very few people have been able to pay 42 crowns per kilo, with the result that most of this flour remains in the hands of the Government. It is possible that a certain quantity of this will be exported in exchange for other commodities.

With the exception of this white flour and a quantity of white beans, there is no surplus of foodstuffs in Hungary. The only valuable article of export is wine, of which the yield last year was excellent.

The American relief administration feeds only children who have been certified by doctors to be sick and undernourished. For the kitchens the following commodities are used: Cocoa, sugar, milk, rice, lard, flour, and beans.

Of these, all of the beans and part of the flour are furnished by the Hungarian Government. The other commodities which are unobtainable in Hungary are imported by the American relief administration.

b. Fuel shortage: The maximum capacity of the Hungarian mines can supply only half of the coal requirements of the country. Coal from the Hungarian mines is of very low calorific value. Due to lack of transportation facilities, the unwillingness of the neighboring States to export coal into Hungary, and the depreciation of the Hungarian crown, which makes imported coal practically prohibitive in price, it is impossible to make up this deficit from imports.

Since Hungary lost 60 per cent of her woodlands by the peace treaty, the wood shortage is even greater than that of coal, and the price is very high.

The schools of Budapest have been closed since October 15 on account of lack of fuel. The majority of the inhabitants have no fuel for heating purposes, and many have not even sufficient for cooking.

c. Unemployment: Due to fuel shortages and lack of raw materials for the factories, the great majority of industrial workers are without employment.

d. Wages: The average wages of a skilled workman are from 400 to 600 crowns weekly; of an unskilled workman, 300 crowns. This amounts to from fifteen to twenty times the wages of 1914. (See Table I adjointed.)

e. Cost of foodstuffs: The average cost of foodstuffs is about fifty times as great as in 1914. A workman requires at least 300 crowns more than his weekly pay to buy foodstuffs necessary for his existence. (See Table II.)

f. The cost of clothing is one hundred to one hundred and fifty times as great as in 1914. (See Table III.)



g. Physical condition of the children. (See Table IV.) The loss in normal body weight of the children since prewar times is as follows:

Ages.	Loss in kilos.
3 to 4 years.....	1.5
4 to 5 years.....	2
6 to 9 years.....	2.5
9 to 10 years.....	2
10 to 14 years.....	1.5

Forty thousand children have rickets. Forty thousand are tubercular and scrofulous. The number of tubercular children has doubled since prewar times. More than 70,000, excluding the cases of illness, are seriously undernourished.

h. Moral condition of the children.  
1. There are more than 50,000 young vagrants on the streets of Budapest.

2. Truancy from school has increased 30 to 40 per cent since prewar times.

3. In 1920, 50,000 juveniles were tried in the courts of Budapest, of whom 50 per cent were charged with vagrancy. Of these, 14 per cent were girls. There were many cases of prostitutes under 14 years of age. Ninety per cent of these young prostitutes were found to be venereal.

It is obvious that under such circumstances even the most adventurous political program which promised a betterment of social conditions would be welcomed by the people.

II. Contributions of the Hungarian Government and local organizations for the relief of the population:

Contribution of the Hungarian Government:	Crowns.
To work of American Relief Administration.....	34,112,000
Hungarian League for Protection of Children.....	8,000,000
Ex-Prime Minister Huszar Relief Action.....	8,000,000
Students' kitchens.....	8,000,000
<b>Total.....</b>	<b>58,112,000</b>

The above are the principal donations made by the Government to charitable organizations. In addition to this, the Government is to the best of its ability looking after the usual categories of State dependents and providing food and clothing to the numerous State employees at a loss. It should be noted that the Government contributed an enormous sum of money to our action, far more than it could afford under the circumstances.

It should be remarked that the comparatively small effort of the Hungarians in relief work among the poor is due more to lack of organizing ability and experience in this work than to lack of interest. The Government and the general public are much more inclined to the work of the American Relief Administration than to local organizations. They have confidence in our efficiency and our freedom from prejudice or favoritism. Our aim is to show them the way and to help them for a time, then to turn over our work to the local organizations which have benefited from the experience gained in working with us. We hope to leave a permanent child-welfare organization here when we go away. Of the personnel now carrying on child-feeding work, almost a thousand, only three are Americans, of whom two are volunteer workers.

3. Efficiency and economy of the administration.  
a. Efficiency: Only children who have been carefully examined by a doctor and pronounced to be undernourished (according to the Dr. Pirquet system of weights and measurements) are given cards admitting them to the kitchens. The children partaking of the feeding are weighed at frequent intervals, and any child who has increased in weight so as to approach the normal is excluded to make place for another undernourished one. In this way it is insured that only the most needy children receive our meals.

Foodstuffs are distributed for a month at a time to each kitchen, based on the number of children fed and the ration per child per day. Our controllers examine the books and the supplies of each kitchen at frequent intervals to make sure that there is no discrepancy. Chemical analysis of the rations are often made to ascertain whether the required quantities of foodstuffs are contained. There is a standard menu for all kitchens. It is practically impossible for any misappropriation of our foodstuffs to be made. A few cases of petty thievery were found last year. The offenders were severely punished.

b. Economy. We submit a statement of our action up to August, 1920.

<b>Total value American contributions.</b>	
Exchange taken at 200 crowns per dollar.....	172,767,239
Value flour, fats, contributed by Hungarian Government.....	10,997,879
<b>Total value commodities distributed.....</b>	<b>183,765,118</b>
<b>Administration expenses.</b>	
<b>Crowns.</b>	
Salaries.....	237,997.50
Printed matter.....	85,263.80
Rent for storehouse.....	18,954.00
Transportation handling.....	6,115,836.29
House rent.....	30,778.12
Heating.....	19,241.70
Yeast.....	1,373.40
Rent of sacks.....	13,240.76
Gasoline.....	274,117.54
Wages.....	42,697.70
Workmen's insurance.....	46,816.56
Electric installation.....	30,859.20
Cold storage.....	892,653.00
Refunded to city.....	375,285.05
General expenses.....	8,185,587.30
<b>Total.....</b>	<b>8,185,587.30</b>
<b>All paid by Hungarian Government.</b>	
<b>Faithfully yours,</b>	
<b>C. G. BOWDEN.</b>	

TABLE I.—Weekly wages of skilled workmen in Budapest according to latest statistics.

	Crowns.
Carpenter.....	540
Printer.....	445
Bookbinder.....	425
Women's tailor, men.....	750
Iron and metal workers.....	430

Men's tailor.....	Crowns. 540
Woodworker.....	500-800
Furrier.....	400-650
Leather worker.....	450
Shoemaker.....	700-800

<b>WOMEN.</b>	
Printer.....	241
Bookbinder.....	288
Women's tailor.....	330-500
Shoemaker.....	400-500

<b>B. UNSKILLED WORKMEN.</b>	
Printer's apprentice (women).....	279
Male factory worker.....	300
Female factory worker.....	250
Brick worker (men).....	270
Brick worker (women).....	90

<b>PAY OF OFFICE CLERKS.</b>	
Average yearly income of 5,700 employees of the city administration.....	12,000
Average yearly income of 6,300 city teachers.....	13,000

TABLE II.—Statistics of average monthly prices of foodstuffs in Budapest markets.

Article.	1914, July.	1920, January.	1920, July.	1920, October.
	Krone. Heller.	Krone. Heller.	Krone. Heller.	Krone. Heller.
White flour.....	45	10	60	42
Cooking flour.....	30	10	80	11
Bread flour.....	40	2	80	2
Beef, roast.....	2	27	62	90
Beef, for soup, first grade.....	2	66	60	74
Beef, for soup, second grade.....	1	73	56	55
Veal, leg.....	3	63	87	60
Veal, shoulder.....	2	12	72	34
Pork, leg.....	2	10	35	69
Pork, cutlet.....	2	60	92	77
Lard.....	1	62	119	47
Milk.....	30	4	20	7
Curds.....	41	18	99	15
Beans.....	1	32	6	08
Carrots.....	1	18	6	34
Parsley.....	1	18	6	54
Onions.....	29	12	04	4
Potatoes.....	14	1	96	6
Sauerkraut.....	11	32	11	32
Ordinary apples.....	32	21	93	12
Plum sauce.....	72	47	00	46
Fresh eggs, per piece.....	07	5	11	3

TABLE III.—Prices of industrial articles in Budapest.

Articles, average grade.	August, 1914.	October, 1920.
	Kronen.	Kronen.
Man's suit.....	50.00	5,000.00
Man's shoes.....	12.00-16.00	1,300.00-1,600.00
Man's shirt.....	3.50-5.00	500.00
Man's hat.....	8.00	600.00
Socks.....	.60	80.00
Woman's blouse.....	5.00	300.00
Woman's shoes.....	8.00	1,200.00
100 kilos coal.....	3.95	200.00
100 kilos wood.....	3.50	200.00
1 kilogram soap.....	.80	88.00
Soling pair shoes.....	2.00	200.00

JANUARY 14, 1921.

#### Memorandum.

I beg to report, sir, that I have spoken to Mr. Charles Kocsán, an editor of the Christian Socialist paper *Nep*, who told me that very much of the materials, food, and supplies of the American humanitarian actions comes into wrong hands. A population of professional mendicants is bred, and the number of those who live on the food and supplies given by the committees is much bigger than believed. Many of those out of work live from "Schleichhandel"; that is to say, they go into the country, buy up food, sell it at a higher price in the city, instead of going to regular work, while the other members of their family wait for food or presents before the officers of these institutions.

An hour after the Christmas presents of the American Red Cross had been distributed by Capt. Pedlow, a perfect market was organized on the Teleki tér, where these articles were bought and sold.

He believes it would be much better to learn these people a useful trade and supply them with raw materials, the price of which would be refunded by the products, whereas they would get decent wages and could so make an honest living. An action of this kind was organized in the country—county of Vas—etc., and he would like to have the support of these organizations rather than for ill-chosen, unworthy individuals. Will submit data on the question.

Suggests distribution of support to be organized in future with the help of the Christian Social trades-unions, so that the workmen would be supported, who are out of work without their fault, and not the professional beggars.

SZECSEY.

[Inclosure 2: Printed report European children's fund Budapest, Budapest, 1920, omitted from Record.]

#### MILITARY CONFIRMATIONS.

Mr. WADSWORTH. Mr. President, the President of the United States has nominated to the Senate three officers for the grade of brigadier general in the Officers' Reserve Corps. I ask

unanimous consent, as in open executive session, that these three nominations be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

Mr. WADSWORTH. Mr. President, I am authorized by the Committee on Military Affairs, which committee discussed the matter this morning in its regular meeting, to report back forthwith these three nominations to the Senate and ask consent for their immediate consideration as in open executive session.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will read the nominations.

The READING CLERK. To be brigadier general, Richard Coke Marshall, jr., late brigadier general, United States Army, from February 4, 1921.

The VICE PRESIDENT. The question is, Shall the Senate advise and consent to this nomination? [Putting the question.] The ayes have it; the nomination is confirmed, and the President will be notified.

The READING CLERK. To be brigadier general, John Henry Sherburne, late brigadier general, United States Army, from February 11, 1921.

The VICE PRESIDENT. The question is, Shall the Senate advise and consent to this nomination? [Putting the question.] The ayes have it; the nomination is confirmed, and the President will be notified.

The READING CLERK. To be brigadier general, Brice Pursell Disque, late brigadier general, United States Army, from February 17, 1921.

The VICE PRESIDENT. The question is, Shall the Senate advise and consent to this nomination? [Putting the question.] The ayes have it; the nomination is confirmed, and the President will be notified.

#### SUNDRY CIVIL APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15422) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 10, 17, 18, 20, 24, 25, 26, 27, 29, 30, 45, 46, 47, 48, 52, 54, 55, 56, 58, 59, 62, 64, 65, 66, 67, 68, 69, 73, 79, 83, 84, 86, 96, 99, 100, 106, 107, 108, 109, 110, 113, 116, 122, 123, 124, 125, 126, 130, 131, 135, 140, 153, 154, 155, 156, 159, and 161.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 12, 19, 23, 40, 41, 51, 53, 57, 61, 63, 70, 71, 74, 75, 77, 85, 88, 89, 90, 91, 92, 93, 94, 95, 97, 98, 112, 115, 117, 118, 119, 128, 129, 144, 145, 146, 147, 148, 157, 158, and 160, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eleven"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,917.50"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,811,857.50"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$550,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 11, 16, 21, 22, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44, 49, 50, 60, 72, 76, 78, 80, 81, 82, 87, 101, 102, 103, 104, 105, 111, 114, 120, 121, 127, 132, 133, 134, 136, 137, 138, 141, 142, 143, 149, 150, 151, 152, 162, 163, 164, 165, 166, 167, and 168.

F. E. WARREN,  
REED SMOOT,  
LEE S. OVERMAN,

*Managers on the part of the Senate.*

JAMES W. GOOD,  
WALTER W. MAGEE,  
JOSEPH W. BYRNS,

*Managers on the part of the House.*

Mr. WARREN. I move the adoption of the report.

Mr. UNDERWOOD. Mr. President, I did not object to the Senator making his report, but I do not understand that he has had unanimous consent to take up the report. I desire to ask, if this motion is agreed to, whether it displaces the unfinished business?

The VICE PRESIDENT. Yes.

Mr. JONES of Washington. I did not understand that the Senator had moved to take it up.

The VICE PRESIDENT. Oh, no; we have been proceeding here by unanimous consent.

Mr. WARREN. It is a partial report.

Mr. UNDERWOOD. I will ask the Senator to let his motion go over until to-morrow morning. I desire to examine the report.

Mr. WARREN. I was merely about to say that as to two or three amendments the House has concurred with us, and has sent the others back to the conferees. There are some 40 matters still in disagreement.

Mr. UNDERWOOD. I will say to the Senator that of course I have not had a chance to examine the report. There are some matters in the report that are of very vital interest to the Senate and many of its Members. I do not suppose the Senator expects for a moment that he could get the report agreed to without some discussion and consideration of it, and the hour is late.

Mr. WARREN. Of course, the report must be laid over if there is objection.

Mr. UNDERWOOD. I am sure the Senator understands that I am not making a captious objection to the report. There are in it matters of vital interest to myself and my constituency and other Members on this side of the Chamber, and I desire to have an opportunity to examine it.

Mr. WARREN. I think I ought to say before dropping the subject that some 65 matters went back to the House; that the House has sent back some forty-odd or 50 of those, insisting upon its disagreement, without taking any action other than that, which, I understand, takes out of the equation the matter of making points of order, and leaves them with the conferees to settle; and there are altogether three matters in which they have offered amendments to our amendments, to which I was instructed to agree. Other than that, of course, it all goes back for further consideration.

Mr. UNDERWOOD. I will say to the Senator that I do not desire to delay his report. There are matters touched on in the conference that I think will probably bring on some discussion.

Mr. WARREN. I will drop the matter now and simply give notice that I shall try to obtain consideration of this report at an early date, as the bill is a long one, and a good deal of work will be involved in the enrolling, and so forth.

#### RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15935) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. HEFLIN. Mr. President, we are witnessing to-day more of the tragedy of Republican recklessness and incompetency. Last week the Republicans in this Chamber struck down an appropriation of \$100,000,000 for carrying on the work of public-roads building in 43 States of the Union. That great constructive measure, stricken down, lies dead in this body at the hands of the Republican Party. To-day that party places its withering, blighting touch upon the great river and harbor projects of the country. These projects affect very vitally 105,000,000 people. The Government's engineers estimated that \$57,000,000 were necessary to carry on this river and harbor work, and yet the committee, under the leadership of the Senator from Washington, its chairman, comes in here with about one-fourth of that amount—\$15,000,000—just a little more than one-fourth of the amount necessary to do this work.

Mr. President, nobody charges that projects now under construction and some nearing completion are worthless, are not needed, or that the money is being wasted or extravagantly expended. A Member of the House from North Carolina, Mr. SMALL, former chairman of the Committee on Rivers and Harbors, submitted a substitute for the House bill which is before us to-day, and in his speech he challenged the opponents of real river and harbor improvement to point out a single item in his substitute that was not a worthy one, and nobody accepted the challenge.

What do you suppose, Senators, that the people at home will think of your work of destruction which strikes down river and harbor improvement in the United States? Why, the city of Berlin spent more money during the war for river and harbor projects than you permit the great Government of the United States to spend on all of her lines of water transportation.



Poor old cheese-paring, parsimonious Republican Party! You waste millions in useless expenditures and become economical when it comes to doing something of a substantial nature for the mass of the American people. You killed an appropriation that provided for building a great system of public roads leading from farm to factory and from rural districts to the towns and market places, and now, I repeat, you refuse to provide money sufficient to go on with the program of river and harbor improvement.

Floods may come, channels may fill up, but the Republican Party, under your leadership, refuses to provide the money necessary to meet such an emergency or to carry on the necessary work on river and harbor projects.

Mr. President, Congress in 1917, as was pointed out in the House by Representative McDUFFIE, of the Mobile district, pledged itself to construct a 30-foot channel at the port of Mobile, and here we are in 1921 and that work has not yet been completed. The transportation demands upon this port are increasing by leaps and bounds and the channel there must be made deep enough to carry the big seagoing vessels that seek this important port. This Mobile channel is part and parcel of the great waterway system of the country and I want to see Congress carry out its promise regarding it. What people and what interests do Republican Senators serve who advocate a do-nothing policy with regard to our rivers and harbors?

The Republican Party used to boast that it was a constructive party, but unless its Members here change their course it must be written down as a "destructive party." At the present time everything that it lays its hands upon seems to wither and die. Road construction in the rural districts, the market roads of the farmer—the connecting link between town and country—all this is stricken down.

Mr. President, it is fortunate that we have a great tribunal out yonder to which we can appeal and there is no way to keep us from carrying our cause to the judgment bar of the people. I have seen the Republican Party before its recent victory carry the country by a tremendous majority. I saw your candidate, Mr. Taft, elected in 1908 by a million majority, and four years later go out by unanimous consent. I saw you in that same year of 1908 carry the House and Senate, and in 1910 I saw the Democratic Party carry the House when only two years had elapsed since you recorded your great victory under the leadership of Mr. Taft. In the election of 1912 we carried the Senate and elected a Democratic President, and if you keep on the unwise and un-American way that you have started of opposing every constructive measure we will carry the House in the next congressional election and pluck some of your Members from this end of the Capitol.

From what I have seen here to-day I am convinced that you are prepared to place down by the mangled form of the defeated good-roads measure, the bruised and broken body of defeated river and harbor improvement legislation in the United States.

Great constructive measures are necessary. The business of the people must go on. But one by one, I am sorry to say, these great constructive measures receive a body blow at the hands of the Republican Party, and, Mr. President, the work of destruction goes swiftly on. When will this measly, parsimonious, cheese-paring, and miserable performance against the public good cease in the Congress of the United States?

Mr. CALDER. Mr. President, I am always very much interested in the remarks of the Senator who has just taken his seat. I voted against the \$100,000,000 appropriation for improving the roads because the Department of Agriculture, charged with the responsibility for that work, have all the money they can fairly use for the next 12 months for that purpose.

I voted against it also because in many of the States of the country we have paid our own money for good-road purposes. My own State has spent several hundred million dollars during the past 10 years. Some of us have felt that the time has arrived when a few of the States in the country which contribute most in Federal taxes should make protest against the expenditure of money for purposes for which the States themselves should bear the burden. New York last year paid more taxes into the Treasury of the United States than 38 States of the Union put together. While we are very glad to contribute a little to the improvement of roads in the Senator's State and to give our good share toward the expenses of the Government, we have felt that now was the time when the Nation was facing a deficit and to refrain from spending more than was absolutely necessary.

I represent the State which has the greatest harbor in the Nation, out of which harbor goes approximately 50 per cent of our foreign commerce. I propose to vote against the amendment of the Senator from Mississippi [Mr. HARRISON] because

I believe, in view of the fact that we had on the 1st of January last the sum of \$40,000,000 unexpended balance in the river and harbor fund, that the amount called for in the bill is ample to meet the needs for river and harbor improvement this year in the ports of the country that require immediate attention.

The Senator referred to the harbor at Mobile, which I agree ought to be taken care of. Nothing should be left undone to provide for it. The Senator also referred to the filling in of some of the channels in the rivers and bays of the country. Perhaps it might be a good thing if some of them did fill up, if the drift from the hillsides and the tides in and out could close the channels and the Government thereby be prevented from contributing more to their improvement. I refer, of course, to many of the out-of-the-way places in the country upon which millions of dollars have been spent with little or no advantage to commerce.

I am strongly in favor of the proper development of our great harbors and our great rivers, but while I have at times voted for the improvement of useless rivers and creeks because in no other way could I obtain funds for the improvement of the important ones, I think the time has come for us to make lump-sum appropriations as we have in the pending bill, so that the engineering department of the Government may devote the people's money to the places where it will be really effective.

I shall insist that early next session a comprehensive measure be prepared which will provide authority for the improvement of the rivers and harbors of the United States actually required to further the country's commerce. I have discussed this matter with many Members of the House and of the Senate Committee on Commerce, of which I am a member, and all agree that this shall be done.

For the harbor of New York we need legislation authorizing several definite improvements. The Senator from New Jersey [Mr. FREELINGHUYSEN] has spoken of the development of the Kill Van Kull and of Newark Bay, and of the streams and bays adjoining the port of New York in his State, all of which are necessary. There are improvements of pressing importance in my own State in waters adjacent to the harbor that must be authorized, one of which is the widening and deepening of the channel of Jamaica Bay, but I shall join with the Senator from New Jersey and do all I can to help the matters he advocates for we have one great common port of New York that ought to be improved as one great entity.

There is another matter, and I address myself now particularly to the chairman of the Committee on Commerce, to which he and the other members of that committee must give attention. I refer to the rates charged to-day by the Shipping Board for carrying freight up and down our coast. I discovered in our inquiry into the coal business last summer and fall, that it cost more to carry coal from Baltimore and Newport News to New York and New England by water than by rail. We have departed from the old method of carrying our coal from those ports to New York and New England because the rail rate is cheaper. If we are going to spend vast sums of money for the improvement of our rivers and harbors along the coast, we ought to know before we do it whether we can carry our freight on shipboard as cheaply as we can by rail. In the consideration of the development of our coast and harbors we must investigate this particular phase of the situation and see to it that the money expended for river and harbor improvement is not spent in vain.

Mr. JONES of Washington. The Senator refers to coastwise shipping?

Mr. CALDER. Yes.

Mr. JONES of Washington. The Shipping Board has full authority over rates and regulates them and controls them and raises or lowers them. It does not need any further legislation by Congress. It is a matter of administration.

Mr. CALDER. That is true; but last fall, when we were having difficulty in obtaining coal in New York and New England, I appealed to the Shipping Board to lower freight rates on the Shipping Board's idle vessels lying at Newport News so we might relieve the railroad difficulties and carry much of the coal by water, as had been done before the war.

Mr. JONES of Washington. Does the Senator have in mind that Congress should fix the rates?

Mr. CALDER. No; but I think it is the business of the Committee on Commerce to inquire thoroughly into that phase of our Shipping Board business before we go into the expenditure of vast sums of money for further river and harbor improvements.

Mr. HEFLIN. Mr. President, may I say just a word in reply to the Senator from New York? He complains that the freight rates are higher on the waterways than on the railways.

The Senator does know, I am sure, that the fact that there is competition between these two lines of transportation makes the freight rates cheaper on the railway than they would be in the absence of the waterway. The purpose and the object he should have in mind is to have transportation by rail and by waterway both, so that in competition with each other we will get the best possible rates. I am sure that we must have low rates on the railroads, otherwise the waterways would get the traffic if the railroads did not make a cheaper rate than the waterways.

Mr. CALDER. Last summer we had our freight rates doubled on the railroads. I do not see how that justifies the Senator's statement.

Mr. HEFLIN. I did not hear the Senator's statement.

Mr. CALDER. I said that last year the Interstate Commerce Commission almost doubled our rail rates, and with increased rail rates it was still possible to ship coal from the mines to New England by rail cheaper than from Newport News by water.

Mr. HEFLIN. Does not the Senator think the rate that now obtains by rail is cheaper than it would be if they did not have any way to ship the coal by water at all?

Mr. CALDER. Ordinarily it would, but in fixing the water rate the Shipping Board has evidently considered as the leading factor the cost of the vessel, which is almost three times what they could be built for to-day, so that while rail rates have nearly doubled water rates have until very recently been three times what they were before the war.

Mr. HARRISON. Mr. President, of course this controversy about railroad rates is quite interesting. We have found that the rates were increased after the legislation enacted by Congress some time ago. The railroads have always, of course, fought river improvements, because the rivers are the natural competitors of the railroads.

I would not say anything more in connection with the pending legislation if it were not for some of the speeches that have been made to-day. I had thought that the members of the committee had agreed to \$15,000,000 in the bill as passed by the House on the theory that it was impossible to pass any legislation increasing that amount, but I find that some of the Senators, members of that committee, who have always been advocates of reasonable and adequate and appropriate appropriations for river and harbor improvement, are defending the amount contained in the bill. I know not why they take that stand; certainly not from anything that came from the War Department; certainly nothing that Gen. Taylor, representing the Board of Army Engineers, stated before the Committee on Rivers and Harbors of the House or the Committee on Commerce of the Senate; certainly nothing contained in the letter that came in answer to the questions propounded to Gen. Beach, chairman of the Board of Army Engineers, by the chairman of the Committee on Commerce. To defend \$15,000,000 as adequate can not be borne out by anything contained in the record.

I need only cite that to Senators before we vote upon the proposition. Do not be misled. Do not misconstrue the facts, because no one back home will be fooled by that kind of argument. The Senate is told in plain and simple language that no improvement work can be entered upon by the department on the rivers and harbors of the country if the amount of \$15,000,000 is not increased. You can not, upon the record and the facts presented to us, go back to your constituents and tell them that any improvement at all can be made, that only maintenance can be carried on with the appropriation of \$15,000,000.

I should like to read as a part of my remarks the testimony of Gen. Taylor before the House Committee on Rivers and Harbors, just one and a half pages, to show what he said about the Ohio River project, wherein he stated, which is a fact that is not controverted, that it would delay progress of the work upon the Ohio River for two years if the appropriation of merely \$15,000,000 is made. However, I shall not delay the Senate further on that point.

Let us not try to mislead anyone. When you go back to Pennsylvania, to Philadelphia, when we go back to Washington, when you go back to Detroit, to Louisiana, to Florida, to New York, remember that your constituents will know, because they ought to know, that Gen. Beach said in a letter dated February 5, 1921, in response to questions from the chairman of the committee:

I can not too strongly urge upon you the necessity for pushing work on certain of the improvements, particularly channels in New York Harbor, Delaware River, etc.

The river upon which the senior Senator from Pennsylvania [Mr. PENROSE] has so long advocated improvement, a great carrier of commerce. Gen. Beach mentioned specifically the Delaware River, Philadelphia to the sea, Savannah Harbor, Ga., Jacksonville, Fla., Mobile, Ala., the pass at the mouth of the

Mississippi River, Los Angeles, Calif., Columbia River, Oreg. and Wash., Grays Harbor, Wash., and the ship channel of the Great Lakes, Duluth to Buffalo. He said that improvement can not go on based on the proposition of a \$15,000,000 appropriation. If that is controverted by a single member of the Committee on Commerce I should like to have him rise and controvert the proposition, because I wish to be put right if I am wrong. Those Senators are most of them present now, so I take it I am right in the assertion. When I vote on the matter, and the proposition which I have advanced, of \$33,000,000 as the amount that is necessary to carry on the work, is voted down and we give only \$15,000,000 to them, then do not attempt to mislead your constituents by pretending to them that you helped them out in this emergency.

These are the facts. Vote on the proposition, cripple the improvement if you desire to vote down my amendment, but your constituents will know what you are doing when you do it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Mississippi.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

Mr. GLASS (when his name was called). Making the same announcement that I made on the previous call, I vote "nay."

Mr. McKELLAR (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. FRANCE], which I transfer to the senior Senator from California [Mr. PHELAN] and vote "yea."

Mr. TRAMMELL (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COIT]. In his absence I transfer that pair to the senior Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. WATSON (after having voted in the negative). I withdraw my vote, in the absence of my pair, the Senator from Delaware [Mr. WOLCOTT].

Mr. KNOX. In the absence of the senior Senator from Oregon [Mr. CHAMBERLAIN], with whom I have a pair, being unable to secure a transfer, I withhold my vote.

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from Maryland [Mr. SMITH] to the junior Senator from California [Mr. JOHNSON] and vote "nay."

Mr. PENROSE (after having voted in the negative). I observe that the senior Senator from Mississippi [Mr. WILLIAMS] has not voted. As I have a general pair with that Senator, I withdraw my vote.

Mr. HARRISON. May I state that the senior Senator from Mississippi would vote "yea" if he were present.

Mr. PENROSE. I take that for granted, because during a long service in the Senate I think we have never voted on the same side.

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Illinois [Mr. McCORMICK] with the Senator from Nevada [Mr. HENDERSON];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 18, nays 44, as follows:

## YEAS—18.

Beckham	McKellar	Shields	Trammell
Harris	Pittman	Smith, Ga.	Underwood
Harrison	Reed	Spencer	Walsh, Mass.
Hefflin	Robinson	Sutherland	
Kirby	Sheppard	Swanson	

## NAYS—44.

Ashurst	Gay	Keyes	Polindexter
Ball	Gerry	King	Pomerene
Calder	Glass	La Follette	Ransdell
Capper	Gooding	Lenroot	Simmons
Curtis	Gore	Lodge	Smith, S. C.
Dial	Gronna	McCumber	Smoot
Dillingham	Hale	McNary	Sterling
Elkins	Jones, N. Mex.	Moses	Thomas
Fernald	Jones, Wash.	Nelson	Townsend
Fletcher	Kellogg	New	Wadsworth
Frelinghuysen	Kenyon	Phipps	Will-



## NOT VOTING—34.

Borah	Henderson	Newberry	Smith, Md.
Brandegee	Hitchcock	Norris	Stanley
Chamberlain	Johnson, Calif.	Overman	Walsh, Mont.
Coff	Johnson, S. Dak.	Owen	Warren
Cullbertson	Kendrick	Page	Watson
Cummings	Knox	Penrose	Williams
Edge	McCormick	Phelan	Wolcott
Fall	McLean	Sherman	
France	Myers	Smith, Ariz.	

So Mr. HARRISON's amendment was rejected.

Mr. REED. Mr. President, I desire to offer the same amendment, with the amount reduced to \$28,000,000.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 2, line 4, strike out "\$15,000,000" and insert in lieu thereof "\$28,000,000."

Mr. REED. Mr. President, I want to say just a word about the amendment. It was my misfortune to be out of the city during this debate, as I was obliged to be, and I have not heard the discussion.

There is nothing, in my judgment, that is so great a mistake as to refuse to appropriate enough money to carry on the various plans for the internal improvement of our country. I have frequently had occasion, in discussing questions of similar import, to say to the Senate that money expended in this manner, if properly expended, is in the nature of an investment and not in the nature of an expense.

When we pave a street in Washington and get the vehicles out of the mud and make it possible for people to travel, while the street costs some money, the town is a good deal better off with the debt and the pavement than it would be with neither the debt nor the pavement. The city has actually increased its assets by making the expenditure. When a man shoes his team of horses so that they can travel over a road, it is true that he has spent a little money, but he has saved his horses or made it possible to get to town when otherwise he would not be able to reach it.

When this country improves its rivers and harbors it is not spending money; it is investing money. We are asking in this bill an appropriation for all of the vast river and harbor projects, which concern the whole country, which would not build and equip more than about one-half a modern battleship. Gentlemen have voted against the amendment which was just defeated, which proposed to raise the amount of money to \$33,000,000, who only a few weeks ago voted for an Army of 300,000 men, costing a sum of money so much greater than the amount asked for these internal improvements that there can not be any comparison made between the amounts. The same gentlemen voted only a few days ago for an Army of 150,000 or an Army of 175,000.

Every dollar that is spent for an Army is that much money used up. It is gone forever, except as the Army may be necessary in order to protect the country. The money once spent is gone. The money that you expend for the internal improvement of your land is not gone; it is invested. It pays back its interest and pays back its principal frequently many times over.

This is a very poor time for our country to be refusing to make proper appropriations to carry on the internal development of this land. We appropriated \$100,000,000 a little while ago to help suffering people in Europe, and indirectly, if not directly, a large part of it went for the purpose of carrying on war in Europe. In going over some accounts the other day I found that since the armistice we allocated to France \$68,000,000 to pay a debt of France to Great Britain. It was discovered afterwards that we had been overgenerous; that they did not need more than approximately \$30,000,000, as I now remember the figures; but that amount was taken of good American dollars to pay the French debt to Great Britain. Nobody is disturbed about it; everything is serene and lovely. You can not even create a ripple of interest in the Senate over it or attract the general attention of the country.

We had some \$59,000,000 of our money in a bank of this country that had been turned over to a Russian government that fell, and after that government had fallen, when there was not the shadow of it left except an ambassador, for a defunct government that really was stillborn, that money has nearly all been permitted to be paid out, upon some kind of a theory that we were in some way morally obligated to pay debts that were contracted after the last shot had been fired upon the Argonne. All these things and multitudes more go on, and blissfully and serenely we sit and allow them to go on.

We allocated to Liberia \$5,000,000, to a country that does not even risk to the dignity of a comic opera country—a country that is so far removed from being anything like a real country that it took \$26,000 of that money to pay the fares of the dele-

gates of that alleged country to the peace conference at Paris and to entertain the dusky representatives of that African land to pay their board and lodgings.

We have not been able as yet to discover what obligations have been incurred against it, but we were informed the other day that the State Department had made some kind of a commitment against that money.

For what purpose were we setting this money aside in the first instance? It appears that in 1912 four New York banks concluded it would be good business for them to go down to Liberia, loan \$1,700,000 upon the bonds of that Government, and take a mortgage upon its revenues as security. Some English concern did something of a similar character. When the war was started it was proposed as a part of the beneficence that was to be doled out by us that we would take these debts over by loaning to Liberia the necessary amount of money with which to discharge them. So we stand here shoveling the taxpayers' dollars out to foreign countries with a scoop shovel.

However, when we come to do anything for our own country that will make transportation better, that will benefit every man, woman, and child in the land, directly or indirectly, we produce a pair of apothecary's scales and we weigh it out as though it were pearls of great price that could not in any way be parted with without bringing ruin to the country. Mr. President, it is the old story of saving at the spigot and wasting at the bung-hole, except that in this case we have opened the bung-hole for the benefit of Europe and are applying the spigot to our own country.

I appeal to Senators who want to make a record for a party and who want to practice economy, to have some regard for the fact that the United States ought to be considered for a little while, and that we ought to think about the development of this country more solemnly to-day than we have ever thought about it in the past.

We are confronted by a situation where our railroads are incapable of carrying the peak loads when they come upon us; we are confronted by a situation that great unemployment has come to this land, and that condition may exist for some months in the future. At a time like that we ought to endeavor to take up a little of the slack, or, perhaps, I had better say, absorb a little of the surplus by providing liberally for carrying on the public works of this land.

So, Mr. President, I have ventured to ask the Senate for another vote upon this matter. If we do not provide for making those improvements to-day they certainly will have to be made in the not distant future. Every day's delay means that the work already constructed and the plans already partially carried out will come to destruction and disintegration or will suffer waste.

This is not the way to save the taxpayers' money. I am as much in favor of economy in this Government as any man, I think, ought to be; but the trouble is you are saving, to use an illustration that I used the other day, a few dollars in putting a roof on a house and letting the house go to destruction; you are saving a little in a business enterprise by refusing to spend a little money to carry it on to success, but you are losing because you do not spend the money. If I could have my way, Mr. President, I say unhesitatingly that I would, if necessary, bond this country, and I would harness every great stream and stop it breaking over its banks and destroying crops and property of incalculable value; I would clear out of the harbors of this country every dangerous obstruction and open them to the free commerce of the world; I would develop the arid lands of the West, awaken them from their eternal condition of uselessness, and make them, instead of the habitat of prairie dogs and owls, the homes of American citizens, who would in return produce inestimable wealth for the land; I would reclaim the swamp and overflowed lands of this country and give them to agriculture. That policy will some day be adopted by some party with vision enough to glimpse the future and with courage enough to face the situation.

Mr. President, I thank the Senate, and I apologize for taking even this much of its time.

Mr. JONES of Washington. Mr. President, I sympathize with very much if not all of the argument of the Senator from Missouri; but, for reasons that have already been brought out this afternoon, I hope the Senate will reject the pending amendment.

Mr. REED. I should like to know what good reason can be brought out. That is a very conclusive argument that we have just heard—"for reasons already stated." I do not expect the Senator to repeat them, but what reason is there for refusing to appropriate enough money to carry on the public works of this country?

Mr. JONES of Washington. We have spent all afternoon discussing those reasons, and I can not now repeat them.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Missouri.

Mr. REED. I should like to have a roll call if we can get it. The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same transfer of my pair that I made on the last vote, I vote "nay."

Mr. FERNALD (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "nay."

Mr. WALSH of Montana. I inquire if the Senator from New Jersey [Mr. FRELINGHUYSEN] has voted?

The VICE PRESIDENT. The Chair is informed he has not voted.

Mr. HEFLIN. I have a pair with that Senator, and accordingly withhold my vote.

The roll call was concluded.

Mr. McKELLAR. Making the same announcement with regard to my pair and its transfer as heretofore, I vote "yea."

Mr. THOMAS. I understand that if my pair were present he would vote as I intend to vote. I therefore feel at liberty to do so. I vote "nay."

Mr. TRAMMELL. I have a pair with the Senator from Rhode Island [Mr. COLT]. In his absence, I transfer that pair to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the Senator from Kentucky [Mr. BECKHAM], who is absent. I understand he would vote as I have voted. I will therefore let my vote stand.

Mr. OWEN. I transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Nevada [Mr. HENDERSON];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 16, nays 42, as follows:

#### YEAS—16.

Harris	Pittman	Shields	Swanson
Harrison	Reed	Smith, Ga.	Trammell
Hefflin	Robinson	Spencer	Underwood
McKellar	Sheppard	Sutherland	Walsh, Mass.

#### NAYS—42.

Baile	Gay	La Follette	Pomerene
Borah	Gerry	Lenroot	Ransdell
Brandegge	Gooding	Lodge	Stimmons
Calder	Gore	McNary	Smith, S. C.
Cummins	Gronna	Moses	Smoot
Curtis	Hale	Myers	Sterling
Dahl	Jones, Wash.	Nelson	Thomas
Dillingham	Kellogg	New	Wadsworth
Elkins	Kenyon	Owen	Whitis
Fernald	Keyes	Phipps	
Fletcher	King	Polindexter	

#### NOT VOTING—38.

Ashurst	Glass	McCumber	Smith, Md.
Beckham	Henderson	McLean	Stanley
Capper	Hitchcock	Newberry	Townsend
Chamberlain	Johnson, Calif.	Norris	Walsh, Mont.
Colt	Johnson, S. Dak.	Overman	Warren
Culberson	Jones, N. Mex.	Page	Watson
Edge	Kendrick	Penrose	Williams
Fall	Kirby	Phelan	Wolcott
France	Knox	Sherman	
Frelinghuysen	McCormick	Smith, Ariz.	

So Mr. REED's amendment was rejected.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. HARRISON. Mr. President, I have an amendment that I desire to offer at the instance of my colleague, the senior Senator from Mississippi [Mr. WILLIAMS]. I understand that it is the mandate of the Commerce Committee that no amendment of any kind shall be accepted, no matter how meritorious it may be. I offer this amendment at the end of the bill as now constituted.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add at the end of the bill the following:

The Secretary of War is hereby authorized and directed to cause a preliminary examination and survey to be made of the Yazoo River, Miss., with a view to the control of its floods, in accordance with the provisions of an act entitled "An act to provide for the control of the floods of the Mississippi River and the Sacramento River, Calif., and for other purposes," approved March 1, 1917.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi on behalf of his colleague.

The amendment was rejected.

Mr. HARRISON. I desire to offer another amendment at the instance of my colleague, the senior Senator from Mississippi [Mr. WILLIAMS].

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 2, after line 9, it is proposed to insert the following:

Sec. 2. That Lake George, in Yazoo County, in the State of Mississippi, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States, and jurisdiction over said lake is hereby declared to be vested in the State of Mississippi.

Mr. JONES of Washington. Mr. President, I will say to the two Senators from Mississippi that if they will ask the Committee on Commerce to report this as a separate bill we will do it instantly, but we do not want to put it on this bill.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi on behalf of his colleague.

The amendment was rejected.

The bill was ordered to a third reading, read the third time, and passed.

#### FORTIFICATIONS APPROPRIATIONS.

Mr. SMOOT. I move that the Senate proceed to the consideration of H. R. 16100, the fortifications appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16100) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1922, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

#### THE COAL SITUATION.

Mr. LA FOLLETTE. Mr. President, I wish to announce that owing to an error in the print of Senate bill 4828, reported from the Committee on Manufactures, it has been found necessary to make a reprint of the bill, which will be made and placed on the desks of Senators in the morning.

Mr. REED. Mr. President, I should like to inquire if that is the coal bill?

Mr. LA FOLLETTE. It is the coal bill.

Mr. REED. When did the committee meet to consider it?

Mr. LA FOLLETTE. It has met on a number of days. It reported the bill yesterday.

Mr. REED. I have had no notice of the meetings of this committee since we stopped taking evidence, and I had no knowledge—

Mr. LA FOLLETTE. I will state that a written notice has been sent to the Senator of every meeting that has been held.

Mr. REED. I had no knowledge that any conferences were being held on it. I do not know what the report is, although I sat with the committee for some weeks and gave very close attention to the taking of the evidence. I had supposed that there would be a consultation in regard to the bill, and that those who had taken an interest in it would at least have an opportunity to express themselves with regard to it.

Mr. LODGE. Mr. President, I have been, unfortunately, unable to attend the meetings of the Committee on Manufactures, of which I am a member; but the Senator from Wisconsin spoke to me especially about the meetings for conference on the bill and I received notices. I am very sorry that the Senator from Missouri did not.

Mr. REED. When were the conferences held?

Mr. LODGE. I understood they were held in the committee room.

Mr. REED. I say, when?

Mr. LODGE. I got my notices in the morning, as usual.

Mr. LA FOLLETTE. The meetings of the committee have been called regularly on four or five different occasions since the hearings were closed for the taking of testimony, and every member of the committee has been sent those notices of the meetings of the committee at least a day in advance.

Mr. REED. Mr. President, in the face of that statement I am not going to say that a notice was not sent to my office.



It might have come there and I might not have seen it. I had no intimation that the committee was meeting to consider this bill after the hearings had closed, except that the Senator from Maine [Mr. FERNALD], I believe, said to me on day before yesterday that he understood the bill was being rewritten. I assumed that the chairman of the committee probably was rewriting the bill in order to have a draft that would be satisfactory to him, and that those of us who had so long and patiently worked on this matter would be called in for conference.

Mr. LA FOLLETTE. I certainly endeavored to secure the attendance of every member of the committee day after day. We had repeated meetings of the committee without a quorum being present.

Mr. REED. The Senator had no difficulty in finding me when the hearings were going on and telling me by word of mouth to "Come on up to the room; we want to take some more evidence."

Mr. LA FOLLETTE. The Senator was called into the meetings while the meetings were on just as other Senators were, by written notice. If I chanced to meet him, of course—

Mr. REED. I have had no notice since.

Mr. LA FOLLETTE. I will say that I did go after the Senator a number of times to get him to come and attend upon the hearings, because of the fact that we had no quorum; but the Senator surely understood that it was the purpose of the committee to report out the bill at this session, and if he will inquire at his office he will surely find that he has received three or four or five notices of meetings since he has attended.

Mr. REED. I distinctly understood—of course, I may have been in error in my understanding—from the conferences and talks that we had when the taking of evidence was about to be concluded, that the bill in its then form was not supposed to be satisfactory to any member of the committee. I remember mentioning to the Senator that we ought to get together and take at least a day or two days to go over it and see if ground could be worked out that would be agreeable. I got busy with other things, and I had not any idea that the bill would be reported in without that kind of a conference.

Mr. President, there may be some who think they are going to gain time by this sort of proceeding. I intend to have the opportunity to examine this bill, and I intend to have the opportunity to write a report and present it to the Senate somehow between now and the day of adjournment. I have no objection to the bill going back to be reprinted, but I do think the chairman of the committee ought to have given me an opportunity to consult about it. His ideas and mine may not be at variance. I do not know.

Mr. LA FOLLETTE. I have not asked to have the bill returned to the committee, nor do I purpose to ask to have it returned to the committee. I simply have given notice that a reprint of the bill will be made to correct an error—

Mr. REED. I could not hear what the Senator said.

Mr. LA FOLLETTE. And that reprint will be on the desks of Senators in the morning. The report has been on the desks all day to-day.

I only want to say, Mr. President, that I am sure every associate of mine upon the committee will bear me out in saying that every member of the committee has had opportunity to attend the sessions of the committee, and that I have struggled in every way to secure attendance. It has been a very discouraging proceeding, because of the pressure of business at the close of the session.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. WALSH of Massachusetts. I think the Senator from Missouri will find upon investigation that he unquestionably has been notified of the meetings.

I personally have been in the same position that the Senator from Missouri is in. I have not been present during the conferences for the purpose of drafting the bill that has been reported, being away from the city; but upon my return to Washington I found in the mail notices of several meetings to be held in my absence.

I think I ought to say, too, that I do not know of any committee of which I have been a member in the Senate that has been more regular in giving written notices in advance of the hour and time of hearings than the Committee on Manufactures. Though I have not been present at any of the meetings that have led to the reporting of the bill, yet it was my own fault, and not the fault of the committee.

Mr. REED. Mr. President, I am not going to charge anyone with any bad faith, much less the Senator from Wisconsin, whose friend I have been ever since I knew him in the Senate,

and I do not intend to let any misunderstanding of this kind interfere with that friendship.

The bill was brought forward at a time when other matters were crowding upon the attention of Senators. It was perfectly proper for the Senator, who is chairman of the committee, to call his meetings and endeavor to secure an investigation and to get as early a report as was practicable. I felt in perfect harmony with that sentiment, and accordingly I laid aside all my other work that I could lay aside and I attended the meetings of the committee with greater regularity than any other member of the committee except the chairman himself. I gave to it the best part of three weeks. On two or three occasions we had very important matters before the Committee on the Judiciary, which were of an emergency character, and I was obliged to be there. I put in all of the day Monday upon those hearings. Tuesday I was obliged to leave the city on an important matter, and I returned only about half an hour ago.

Notices may have come to me at my office. I have not had an opportunity to read my mail. Here was a matter in which I had taken a profound interest and in which I hoped that my labors contributed a little toward the elucidation of a somewhat mixed question.

I do not think all of the testimony has yet been printed, although it was taken, of course, at great expense. I thought we would have that evidence printed in the usual way, that the committee would sit down and go over it and try to make a finding of fact in regard to the coal situation which would throw some light on it to the country and we would get away from wild statements, made, perhaps, in the best of faith, but which nevertheless are not the kind of statements of fact on which the country ought to rely.

I have been in the city with the exception of the two days I have mentioned. I thought we were going to sit down and go over the bill, that we were going to have the evidence before us, and that we were going to try to produce a result that would represent the consensus of opinion of the members of the committee; that the Senator from Massachusetts [Mr. WALSH], who has given to the bill very considerable attention and contributed a great deal in the hearings, although, as he has stated, he could not be there all the time, would be called into those conferences, with the Senator from Maine [Mr. FERNALD] and the other members of the committee.

I wish time to make a report that will express my views in regard to the coal situation, and I hope to have the concurrence of other members of the committee, or I hope to concur in some of their views as they may possibly in mine.

Mr. President, I ask unanimous consent for five days' time in which to make a report.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. LA FOLLETTE. Mr. President, the Senator from Missouri has made it perfectly plain to the Senate why he received no notices during the last two days of the meetings of the committee. It was because he was absent from the city. The Senator from Massachusetts [Mr. WALSH] was also absent from the city, which is the reason why he did not meet with the committee.

The conferences of which the Senator from Missouri speaks were held in so far as members would respond to the call of a written notice and attend upon the meetings. Even when it was impossible to get a quorum in attendance, some of the members were willing to go over the bill and put in some time upon it, but of course no action was taken in the absence of a quorum.

The hearings began immediately after the bill was sent to the committee. It was introduced on the 12th of January. It was believed by members of the committee that it would be possible to complete the hearings in a very few days, for the reason that the same committee had had extended hearings upon the subject of coal extending over a period of something like a year or more, during which three volumes of printed testimony was taken, which volumes were before the committee and were taken into account at the first meeting of the committee upon this bill and were made a part of the record which would be considered by the committee.

Furthermore, the special committee known as the committee on reconstruction and production had been taking testimony upon the subject and had printed a volume of testimony which was laid before members of the committee at the first meeting of the Committee on Manufactures. It was expected by all members of the committee who attended the first meeting, and we had a quorum then, that it would be possible to conclude the hearings within three or four days, in view of the extended investigations that had been made of the subject not only by

that committee but by the Calder committee. The subject seemed a very urgent one, calling for legislation. A motion was made at the first meeting of the committee that the hearings should be concluded at the end of three days. At the end of that time, however, a large number of interested parties had appeared and asked for more time, and the hearings were reopened and we went on with the work.

Every member of the committee will acquiesce in all that the Senator from Missouri has said about his attendance upon the committee. He was very attentive, indeed. He was there at every session and took a very active part in the examination of witnesses and a large amount of testimony was taken. In order to expedite the work and insure, if possible, a report of the bill in such time as to give the Senate an opportunity to consider it at this session, night sessions of the committee were held, I think three or four different evenings until 11 or 12 o'clock. I felt and I know that other members of the committee felt that the bill should be reported.

Now, Mr. President, I wish to say that the hearings will show that the Senator from Missouri very early in the hearings, when witnesses were on the stand representing coal producers, in the course of his examination of them in calling for facts with regard to production cost and margins and everything pertaining to the business, stated again and again that he was in favor of full information with respect to the business; that he thought the people of the country were entitled to all the information that would enable them to know whether or not they were being charged too high a price for coal or whether coal was being furnished as it ought to be furnished to them in quality and quantity.

In the meetings of the committee that were held after the hearings were closed the committee adopted just exactly that view with respect to the bill. They struck out all provisions of it which pertained to price fixing or investing the President with power to take over the production of coal in the event of an emergency, and they struck out all the licensing provisions of the bill, and made it purely a fact-finding bill. It is that and it is nothing more.

I discovered this afternoon that one paragraph which went beyond that had inadvertently been printed in the bill. It had been marked out in a number of copies which the members of the committee had been using, but in some way or other a copy in which that provision had not been marked out was sent to the printer. Therefore I have asked for a report. It is a provision that clothed or sought to clothe the Federal Trade Commission with authority to make an investigation to determine whether or not individuals were profiteering, and to publish their names or make them public.

It was felt that that was a provision which, whatever might be thought about it properly having a place in a bill affecting the coal business, ought not to have a place in this bill, and it was stricken out by the committee but printed by error. It is to eliminate that error and two or three verbal errors which I found that the reprint is being made. I am confident when the Senator from Missouri has looked over the report and looked over the bill that he will find it is strictly in accord with the statement that he repeatedly made during the hearings, as to the sort of legislation that he thought ought to be enacted.

Mr. REED. Mr. President, that is very cheering. The committee got around to my view. I am sure they were progressing in the right direction. The more of the bill they strike out, probably, the more they will improve it. But I had not seen it. It has just been handed to me by a page this minute. I thought I was entitled to see the bill.

Mr. LA FOLLETTE. The bill has been on the Senator's desk all day. If he had been here, he would have seen it. It was laid upon the desks of all Senators this morning; and if the Senator had been in the city he would have had an opportunity to attend the meetings of the committee when the bill was considered and reported.

Mr. REED. Technically I have had notice. I have had technical notice many times to be at court, too; but I always, when I knew there was a man on the other side intensely interested in the case, sent him some special word that he had better get down.

What I am complaining about is this—I could not get mad at the Senator from Wisconsin if I tried, and I am not going to do so on this occasion—but I had in mind this thing, and I think it ought to be done. There has been more misrepresentation made to the people of the country in regard to the coal situation than I know of in regard to any other situation.

I think this committee came very near disclosing the facts. I think those facts ought to be stated to the country by the

committee and laid before the Senate; and I think, if they are, it will save a great deal of work in the future and will be a genuine public service.

The Senator says there have been long investigations. It happens that I was the chairman at least a part of the time of the subcommittee which investigated this question two years ago. There was a change in the organization of the Senate while that was going on, and Senator Vardaman succeeded me as chairman of the subcommittee, but I was still on it. We investigated the anthracite-coal situation as it then existed. We did not examine into the bituminous-coal situation, and the anthracite coal represents something like 10 per cent of the total production. We never touched the bituminous-coal situation. I do not know what the committee of which Senator CALDER was the distinguished chairman was investigating. I could not understand whether their evidence had been incorporated by our committee or not. It seemed it was in part of the time and out part of the time. But that committee was investigating lumber and brick and mortar and labor conditions and combinations and every sort of thing. It traveled over the country a good deal. They had an attorney learned in the law and in matters legislative with them. We had the benefit of his presence while we were conducting the negotiations and occasionally a wise suggestion from him, which was all on one side of the case, as far as I observed.

I do not know what the Calder committee found out. I know that this committee had a meeting when I was home ill, and when I returned they had resolved to end their hearings at the close of the third day; but, as the Senator from Wisconsin said, they found out at the end of the third day that they had not really gone fully into the question. So the hearings were continued. Many witnesses were called. Some came. We examined a good many questions which might not have been pertinent to this inquiry, for it constantly had a tendency to block it.

I think we gave a day and a half, finally, or nearly that, to Mr. Gompers, who put in a very interesting and very able review of the legislation relating to trusts and combinations. We did not seem to be in much of a hurry toward the end. I thought we had arrived at a state of mind where we had found out that it was not wise to be in too great a hurry.

There was a phase of this bill which seemed to me all the time to be of merit, and that was the one regarding the publicity of the facts relating to the coal business, the prices, the production, and all the other facts necessary to enable the public to judge what is the state of the business. The Senator tells me that is all that is left of the bill. Nevertheless, there ought to be something in the report. I have not had a chance to look at the report. It may contain all these facts, but I would like to have time to consider it, and I would like to have the privilege of filing a minority report if I see fit.

Mr. LA FOLLETTE. I think the Senator should have that privilege. I think he has it anyhow, without leave being granted.

Mr. REED. I think I would have had before the report was filed, but I do not think I have now unless I get permission.

Mr. LA FOLLETTE. I certainly think the Senator has a right to file a report without the consent of the Senate or anybody else. I sincerely hope that he will file his report at a very early date, and I am sure he will when he has examined the bill and sees the scope of it.

Mr. REED. The evidence is in print?

Mr. LA FOLLETTE. The evidence is in print, but it is not in bound form yet.

Mr. REED. It is in galley proof?

Mr. LA FOLLETTE. It will all be accessible to the Senator.

Mr. REED. I find it somewhat difficult to make reference to testimony from a galley proof.

Mr. LA FOLLETTE. A mass of testimony has been taken, Mr. President. Probably one-half of it, perhaps two-thirds of it, will not be found very useful to anybody who wants to study the coal proposition. As is known, the testimony before committees in such investigations always takes a very wide range. This testimony is related to the coal business, coal production, the coal industry, and involves in some measure the transportation question, and a number of other questions which arise in the consideration of the production and distribution of coal.

Mr. REED. Mr. President, if I have that permission by unanimous consent, that is all I am asking now. The question of the merits of the bill will come up later.

Mr. LA FOLLETTE. I trust the Senator will not ask to have five days, and will not take any such time as that, because



that would mean that we would not be able to consider the bill at this session. With the price of bituminous coal, all out through the West, anyhow, ranging anywhere from \$12 to \$15 a ton at the present time, as shown by inquiries recently made, it seems to me we ought to start finding the facts.

There is an urgent reason why the bill should be passed at this session. The coal year, as it is called, begins on the 1st day of April. It is then that contracts are made for coal for the year, where coal is the subject of contract for large users. Furthermore, I think it is about the time when the wage scale is arranged or rearranged. Many of the facts that will be sought in this investigation will be material in making those contracts. Even with the bill limited as it is in its provisions, going no further than it does, I am very hopeful that we shall be able to pass it through the Senate, and that it may yet receive consideration in the House and become a law.

Mr. REED. Mr. President, I do not want to carry on this controversy, but just permit me to say, in reply to what the Senator has just said, that if the prices of coal are excessive in some parts of the country to-day, the collecting of this information can not affect that present situation, because if the bill were to become a law reports would not begin to come in for some considerable time in the future. It would take weeks, perhaps, to create the machinery and to lay out the plan for the making of the reports.

Mr. LA FOLLETTE. I will remind the Senator that the bill provides that existing machinery shall be utilized. No new machinery will have to be created to secure this information.

Mr. REED. I am talking without knowledge of the bill, but I suppose it applies to retail dealers as well as to wholesale dealers. All those men have to be instructed and the plan has to be laid out for their reports, blanks have to be printed, and, no matter how much haste we make, it can not be that a practical result upon the prices of coal is going to come within the next 30 or 40 or 50 or 60 days.

Now, about the labor. The existing labor contracts with the unions, as I remember them, expire in 1922. They do not make a new contract, if I recollect the fact—and if I am wrong, I hope I will be set right—for something like a year from this day. The contracts which are made with the large contractors for coal will be made anyway. They do not rely upon the information that we get. The larger contractor makes his contracts on his own knowledge from year to year. So I do not think there is very much in that argument.

Everyone knows we are going to have an extra session of Congress which will begin about the 4th or 5th of April, and I think there is very little chance for the bill, even in its revised form, to go through at this session. However, I do not intend to put obstructive tactics in the way, because if the bill is limited as the Senator thinks it is, I probably shall be glad to support it.

I am asked to make a report very quickly, if I make one. The evidence is in galley form. It is not yet in volume. It is not yet paged. I could not make a report and refer to the pages of the testimony, because it is not yet in pages. But I will say to the Senator from Wisconsin that I will make every effort I can to get something in the form of a report, although it will not be nearly as conclusive as I wish to make it, and I shall try to get it inside of the five days, as much inside as I can. We are all pressed for time.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Will the Senator from Missouri repeat his request for unanimous consent?

Mr. REED. I ask for five days' time in which to file a minority report. I think there are other Senators who feel as I do. The Senator from Maine [Mr. FERNALD] is in the Chamber, and he can state his view.

Mr. FERNALD. Mr. President, I have no complaint at all with the chairman of the committee about the notification of the meetings. I was present at nearly all the investigation meetings, and I had intended to be present at the final conference in considering the bill. I was unable to be present at one meeting. I had supposed that the full committee would be gotten together, because it seemed to be of sufficient importance to make it necessary to have the entire committee present.

There are some phases of the bill, although it is a much milder one than we considered at first, to which I can not agree; and I, too, feel that it is a very reasonable request that the Senator from Missouri has made. He gave to the consideration of the bill very much of his time, probably five times as much as any other member of the committee, except the chairman,

and it seems a reasonable request that he should be permitted to have the evidence printed and go over it before reporting on the measure or subscribing to a report. I think we ought to be permitted to go over the evidence after it is printed, and then I shall join the Senator from Missouri or the chairman of the committee in a report. But it does not appear to me to be quite fair, on a bill so important as this, that it should be rushed through by the chairman of the committee at a speed which seems unnecessary.

The PRESIDING OFFICER. Does the Senator from Missouri mean, when he asks for five days within which to submit his views as a minority member of the committee, that no action shall be taken by the Senate upon the bill until he has filed his views?

Mr. REED. That would necessarily be implied. There would be no use in filing a report after action upon the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Mr. LA FOLLETTE. I object. I would not object to a reasonable time, but I think that is an unreasonable time. I think the Senator is familiar with every part of the testimony. Indeed, I think the Senator's questions and statements would constitute a very considerable percentage of the testimony that was taken.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Missouri that he is informed by the Assistant Secretary that the usual method of computing time under such an agreement is to make it calendar days, exclusive of Sundays. If Sunday is excluded from the computation, the request would be equivalent to asking for four working days. Objection is made.

Mr. LA FOLLETTE. There are only five working days remaining of the session.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Missouri.

Mr. REED. Mr. President, I am going to prefer the request in this way: I ask that I may be given five days in which to file a report, with the understanding that if the bill comes up before the five days have expired, my request shall not bar consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. LA FOLLETTE. There is no objection to that request, I assure the Senator.

The PRESIDING OFFICER. There being no objection, and it is agreed to.

Mr. REED. Mr. President, I wish to say to the Senator in charge of the bill that there is reason for giving it consideration. I have read the first section while he has been talking, and the first section expressly puts the coal business under public charge; it puts it in the same class as the railroads. That is a proposition that certainly will evoke some discussion on the floor of the Senate. I do not say that to provoke discussion now; but I am calling attention to the fact that when you come to read a bill from a little different slant or angle than the other man had, you may see things differently.

With regard to the criticism that I have taken time on the bill, let the record speak for itself. I have asked a good many questions in my life, but I have never asked them with so much satisfaction as I did in the hearings on the bill, when the real viewpoint of some of the gentlemen who appeared as experts was disclosed. I will give one illustration, even at the risk of taking a little of this very valuable time.

A gentleman came before us and advocated this bill, which is designed to take charge of the coal mines and fix prices and take charge of the coal dealers and fix prices. He disclosed afterwards in his testimony, under some of the questions that I had the temerity to ask, that he had been an advocate of permitting the coal men to combine in order to raise prices, and that he is now an advocate of the theory that the coal men ought to be permitted to combine in order to raise prices to a proper level under some sort of governmental supervision. He is a very good man, a very fine gentleman; but I do not believe in his theories any more than I believe in the theories of Lenin and Trotsky.

So I think we shall have to take enough time to find out what is in the bowels of this measure before we get through with it.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 18 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 26, 1921, at 11 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate February 25 (legislative day of February 24), 1921.*

## APPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE UNITED STATES ARMY.

## TO BE BRIGADIER GENERALS.

Richard Coke Marshall, jr., late brigadier general, United States Army, from February 4, 1921.

John Henry Sherburne, late brigadier general, United States Army, from February 11, 1921.

Brice Pursell Disque, late brigadier general, United States Army, from February 17, 1921.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 25 (legislative day of February 24), 1921.*

## APPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE UNITED STATES ARMY.

## TO BE BRIGADIER GENERAL.

Richard Coke Marshall, jr.

John Henry Sherburne.

Brice Pursell Disque.

## HOUSE OF REPRESENTATIVES.

FRIDAY, February 25, 1921.

The House met at 11 o'clock a. m.

The Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Episcopal Church, Washington D. C., offered the following prayer:

Blessed heavenly Father, by the light of this day Thou hast quickened within us the sense of responsibility. Help us to rise like those who are called by the Master in the morning to do a day's work. Pity those who know the bitterness of affliction and the keenness of mortal pain. When they sigh let Heaven's blessing bring them great peace. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, announced that the Senate had passed bills and resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4889. An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children;

S. 4859. An act for the relief of certain ex-service men whose rights to make entries on the North Platte irrigation project, Nebraska-Wyoming, were defeated by intervening claims;

S. J. Res. 238. Joint resolution authorizing the President to require the United States Sugar Equalization Board to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic;

S. 4511. An act authorizing the Secretary of War to grant a right of way over certain Government lands to the State of Oregon for the Columbia River Highway;

S. J. Res. 233. Joint resolution giving consent of the Congress of the United States to the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska, or any two or more of said States, to agree upon the jurisdiction to be exercised by said States over boundary waters between any two or more of said States;

S. 4864. An act to amend section 3 of an act entitled "An act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes," approved October 24, 1914;

S. 4865. An act fixing the taxable status of lands received in exchange for lands formerly embraced in the grants to the Oregon & California Railroad Co. and the Coos Bay Wagon Road Co.;

S. 4159. An act for the relief of dispossessed allotted Indians of the Nisqually Reservation, Wash.;

S. 4352. An act authorizing the Indians residing on or belonging to the Turtle Mountain Reservation, N. Dak., to submit claims to the Court of Claims, and for other purposes;

S. 4645. An act to authorize the Commissioners of the District of Columbia to close upper Water Street between Twenty-first and Twenty-second Streets NW.;

S. 4186. An act to authorize the Broadwater Irrigation District, a Montana organization, to construct a dam across the Missouri River;

S. 4421. An act securing rights of way and easements over public lands in connection with Federal irrigation projects;

S. 4900. An act to amend section 5 of the act approved March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes";

S. J. Res. 229. Joint resolution authorizing the Secretary of War to investigate the claims of private parties to the Mariveles quarry within the limits of the United States military reservation in the Philippine Islands and to permit the working thereof by the persons entitled thereto, provided military necessities permit;

S. 2340. An act to amend the military record of Richard Parke;

S. 4827. An act to authorize the Secretary of War to furnish to the National Museum certain articles of the arms, matériel, equipment, or clothing heretofore issued or produced for the United States Army, and to dispose of colors, standards, and guidons of demobilized organizations of the United States Army, and for other purposes;

S. 2252. An act making an appropriation to pay the State of Massachusetts for expenses incurred and paid at the request of the President in protecting the harbors and fortifying the coast during the Civil War;

S. 3487. An act for the relief of Clarence L. Reames;

S. 4991. An act for the relief of Kristina Furbak;

S. 4992. An act for the relief of William E. Lewis;

S. 4694. An act for the relief of Samuel H. Dolbear;

S. J. Res. 251. Joint resolution to authorize payment to members of the Army and Navy who were employed as enumerators during the Fourteenth Decennial Census to take the census of persons in the Army and Navy;

S. 3129. An act for the relief of Louisa Frow;

S. 2838. An act for the relief of Philip S. Everest;

S. 5023. An act to provide for the closing of Cedar Road between Quincy Street and Shepherd Street NW., in the District of Columbia;

S. 4554. An act to amend an act entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the rivers and harbors appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920; and

S. 4710. An act to authorize the Commissioner of the General Land Office to dispose of certain trust funds in his possession.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, had agreed to the amendments of the House to the amendments of the Senate numbered 27 and 30.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 10074. An act to enlarge the jurisdiction of the municipal court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes;

H. R. 8067. An act to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes;

H. R. 12045. An act to provide for the conveyance of lots on the low grounds of Washington, D. C.; and

H. R. 13225. An act providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes, had agreed to the amendments of the House to the amendments of the Senate Nos. 9, 13, 14, and 20.

The message also announced that the Senate had passed the following concurrent resolution:

Senate concurrent resolution 35.

*Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States earnestly calls upon the people of the United States to contribute out of their substance to the humanitarian activities in behalf of the needy of the world.*

The message also announced that the Senate had passed without amendment the bill (H. R. 1856) for the relief of Arthur J. Burdick.



## ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bills of the following titles, when the Speaker signed the same:

H. J. Res. 215. Joint resolution authorizing the legal heirs of certain officers of the United States Coast Guard who lost their lives when the Coast Guard cutter *Tampa* was destroyed in Bristol Channel September 26, 1918, to receive pay and allowances that would have accrued to said officers;

H. R. 11841. An act to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," approved February 15, 1893;

H. R. 15769. An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico;

H. R. 15662. An act to extend temporarily the time for filing applications for letters patent, for taking actions in the United States Patent Office with respect thereto, for the reviving and reinstatement of applications for letters patent, and for other purposes;

H. R. 13402. An act for the purchase of land occupied by experiment vineyards near Fresno and Oakville, Calif.;

H. R. 9840. An act for the relief of Capt. E. V. Dickson;

H. R. 8647. An act for the relief of the owners of the American schooner *William H. Sumner*;

H. R. 7573. An act authorizing payment of compensation to Pasquale Dolce for personal injuries;

H. R. 6414. An act for the relief of Herman W. Schallert;

H. R. 2328. An act relating to the title to land to be acquired as a site for a post-office building at Spring Valley, Ill.;

H. R. 1035. An act for the relief of the widow of Joseph C. Akin;

H. R. 646. An act for the relief of Perry E. Borchers because of losses suffered due to destruction of property and termination of contract for services because of smallpox while in the employ of the Navy Department in Cuba;

H. R. 397. An act to authorize a lieu selection by the State of South Dakota for 160 acres on Pine Ridge Indian Reservation, and for other purposes;

H. R. 1430. An act to authorize the addition of certain lands to the Weiser National Forest, Idaho;

H. R. 2946. An act to amend acts to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes;

H. R. 8535. An act to provide for the redistribution of general taxes and special assessments due and payable on real estate in the District of Columbia in cases of subdivision or sales of land therein;

H. R. 5081. An act for the relief of James E. Adams;

H. R. 9028. An act to authorize the addition of certain lands to the Nez Perce National Forest, Idaho;

H. R. 9702. An act granting certain lands to the city of Sandpoint, Idaho, to protect the watershed of the water-supply system of said city;

H. R. 10434. An act to add certain lands to the Targhee National Forest;

H. R. 10598. An act for the relief of the First National Bank of Sharon, Pa.;

H. R. 11004. An act to grant certain lands to the board of trustees of the village of Downey, State of Idaho, for the protection of its water supply;

H. R. 11307. An act to amend section 5146 of the Revised Statutes of the United States, in relation to the qualifications of directors of the National Banking Association;

H. R. 13051. An act to add certain lands to the Lemhi National Forest, Idaho;

H. R. 13592. An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries;

H. R. 5416. An act to authorize corporations organized in the District of Columbia to change their names;

H. R. 567. An act for the relief of John Chick;

H. R. 13319. An act for the relief of Wilson Certain;

H. R. 644. An act for the relief of Oscar Smith;

H. R. 9794. An act for the relief of Wendell Phillips Lodge, No. 365, Knights of Pythias; and

H. J. Res. 465. Joint resolution for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

## SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as follows:

S. 4879. An act to amend section 1 of the act of Congress approved March 2, 1895 (28 Stat. L., p. 907), and to extend restrictions against alienation of lands allotted to and inherited by certain Quapaw Indians, and for other purposes; to the Committee on Indian Affairs.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

## WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SCHALL was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Mary A. Sims, H. R. 8286, Sixty-sixth Congress, no adverse report having been made thereon.

## EVENING RECESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House stand in recess from 6 o'clock to 8 o'clock this evening.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the House stand in recess this evening from 6 o'clock to 8 o'clock. Is there objection?

Mr. RUCKER. Reserving the right to object, has the gentleman in mind anything that will require the attention of the House to-day?

Mr. MONDELL. We have several conference reports, and we have three contested-election cases. I am not sure that we will take up any of them this evening, but those are matters that must be taken up as soon as possible. The business will be either conference reports or contested-election cases.

Mr. RUCKER. Has the gentleman any information at this time that any Private Calendar bills will be reached to-day?

Mr. MONDELL. I do not think so. If anything comes on the Private Calendar, it will be pensions.

Mr. RUCKER. It will not be the Private Calendar that we had up last Saturday?

Mr. MONDELL. No.

Mr. RUCKER. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

## CALL OF THE HOUSE.

Mr. CAMPBELL of Kansas. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Kansas makes the point that there is no quorum present. It is apparent that there is no quorum present.

Mr. CAMPBELL of Kansas. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Elston	Kraus	Riordan
Ayres	Ferris	Langley	Rowan
Bacharach	Gandy	Lea, Calif.	Rubey
Baer	Gard	Loneragan	Sanders, Ia.
Bee	Garner	McAndrews	Sanford
Britten	Goodwin, Ark.	McGlennon	Scully
Brumbaugh	Graham, Pa.	McKiniry	Sears
Caldwell	Greene, Vt.	Madden	Small
Cantrill	Hamill	Maher	Steele
Casey	Hamilton	Mann, S. C.	Steenerson
Clark, Mo.	Harrell	Milligan	Stines
Classon	Hastings	Moon	Sullivan
Copley	Haugen	Mooney	Thomas
Costello	Hawley	Mott	Tinkham
Crowther	Hersman	Mudd	Towner
Curry, Calif.	Hill	Nolan	Vaile
Davey	Hudspeth	Oldfield	Vare
Dent	Husted	Pell	Venable
Donovan	James, Mich.	Perlman	Walters
Doremus	James, Va.	Phelan	Webster
Doughton	Johnson, S. Dak.	Rainey, Ala.	Welling
Dunn	Johnston, N. Y.	Rainey, John W.	Whaley
Eagan	Kahn	Ramsey	Wise
Eagle	Kennedy, Iowa	Randall, Wis.	Yates
Echols	Kettner	Reavis	
Edmonds	Kitchin	Reed, N. Y.	
Ellsworth	Kieczka	Riddick	

The SPEAKER. Three hundred and twenty-one Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

## LEAVE OF ABSENCE.

Mr. SIMS rose.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. SIMS. To ask unanimous consent that leave of absence be granted to Judge Moon, my colleague, on account of serious illness, for the remainder of this session.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that leave of absence be granted to his colleague [Mr. Moon] for the remainder of this session, on account of serious illness. Without objection, it is so ordered.

There was no objection.

## SUNDRY CIVIL APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The SPEAKER. The question before the House is the conference report on the sundry civil bill, amendment No. 60, relating to Muscle Shoals. The gentleman from Iowa [Mr. Good] has 30 minutes and the gentleman from Tennessee [Mr. BYRNS] has 30 minutes. The gentleman from Iowa yields 10 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker and gentlemen, those of us who were here last night listening to a discussion of this subject were treated to what I regard as the most remarkable speech I have ever heard delivered on the floor of this House. It conveyed—unintentionally, of course, but nevertheless conveyed—the plain intimation that a great State of this Union was purchasable for the sum of \$10,000,000. I resent that intimation in the name of the people of that State.

Mr. SELLS. Will the gentleman yield?

Mr. LONGWORTH. No; I can not yield.

Mr. SELLS. The speech made no such impression, and had no such intention.

Mr. LONGWORTH. I know the gentleman had no such intention, but that was the plain intimation that we could not help inferring from that speech.

Mr. SELLS. If the gentleman knows anything about the English language he knows that statement is not true.

Mr. LONGWORTH. Of course the fact is not true, because I know why the State of Tennessee joined the Republican column in the last election. It was not any question of purchase. It was for an idea, and the idea was and the reason why the State of Tennessee joined the Republican column was to protest against the wanton waste and extravagance of this present administration. [Applause.]

I come from a city, gentlemen, which is commercially one of the great gateways to the South, the city of Cincinnati, the only city in the world that owns a railroad. The people of Cincinnati own the Cincinnati Southern Railway, which connects that city with the market places of the South. It is to our every interest that the South should be developed. It is on the commercial prosperity of the South that our prosperity depends in great part. I will do everything in my power decently to help the South, but I balk at doing it indecently.

I wish I had more time than I have to go into the question of this Muscle Shoals development, but I have talked myself black in the face for 10 years against this outrageous proposed expenditure of the public money. I am not going to speak on my own authority this morning. I am going to cite the authority of one of the greatest chemical experts in this country, particularly with regard to nitrates. I mean Dr. Charles L. Parsons, formerly chief chemist of the Bureau of Mines, and who during the war was the chemical expert, and particularly the nitrate expert, for the War Department.

To use his own words as to his qualifications, Dr. Parsons in his testimony before the subcommittee on this proposition stated:

I came to Washington in 1911 as chief chemist of the Bureau of Mines, and moved to Washington with my family in 1912. Since, I have handled the Chemical and Mineral Technology Division of the Bureau of Mines, including the building of two plants, one for radium and one for sodium cyanamide, at Saltville, Va. I was selected by Gen. Crozier to look into the nitrogen situation for the War Department in the summer of 1916. At that time I was transferred to the War Department as their chief chemical engineer for a few months and sent to Europe to study the nitrogen situation. I became acquainted with the chief leaders in nitrogen work, a good many of whom I had known before, and visited the plants in Norway, Sweden, England, France, and Italy at that time.

He was also a member of the interdepartmental board which went through the South to fix a location for this proposed nitrate plant.

Now, remember, gentlemen, that this nitrate plant is proposed to be operated to produce nitrates by the cyanamide process. What is the cyanamide process? Is it in use in any of the

leading countries of the world? Is it the process for the future? Here is what Dr. Parsons says about the cyanamide process:

I think there is no question whatever that the future of the fixation of nitrogen, and I might also say the commercial present, lies in the direct synthesis of nitrogen and hydrogen to form ammonia by what is normally known as the Haber process.

In reply to a question of the chairman as to the cyanamide process he says:

No plants are being erected anywhere, so far as I am aware. In fact, the present plants are stopping their production. I was informed last Friday that in all probability the production of the cyanamide plants in Germany this next year would not be over one-sixth the production of last year, and there is no question—and I think it is quite generally admitted—that the cyanamide process is in a condition of obsolescence, and I do not expect to see it operated in any part of the world to any extent a few years hence.

And he said that the cyanamide process is a thing of the past. Why, if we were to undertake to build this dam and equip this plant the plant would be out of date before it ever produced an ounce of nitrates.

Why was this plant ever sent to Muscle Shoals? Dr. Parsons was a member of the board appointed by the Secretary of War to look over the country and see where a nitrate plant ought to be established. The chairman, my friend the gentleman from Iowa [Mr. Good], asked him—

Why was it that Muscle Shoals was selected?

Dr. PARSONS. I do not know.

The CHAIRMAN. Was it discussed?

Dr. PARSONS. Oh, yes.

The CHAIRMAN. Was it the opinion of the Secretaries that that was the place where we should go to manufacture nitrogen?

Dr. PARSONS. It was my understanding that they were in favor of going to North Chattanooga, Tenn.

The CHAIRMAN. Why did they not go there?

Dr. PARSONS. I do not know; but every board that had anything to do with it, so far as I am aware, reported against Muscle Shoals.

The chairman later on asked him:

The first boards knew that Sheffield had been selected as the site?

Dr. PARSONS. The boards knew nothing about it at all. Some 10 days after the final meeting of the interdepartmental committee, at which I was present, I was very much surprised to be called up on the telephone by an officer who jokingly asked me if I knew where the plant was to be located. I told him that I thought I knew, and he said, "You don't know as well as I do." And I said, "I think I know better." And he said, "Where is it going?" And I said, "Where do you think?" It is going to North Chattanooga." And he said, "It is not; it is going to Muscle Shoals." And I said, "Who sent it there?" He said, "There is no higher authority."

But we are going to have another higher authority in a very few days now. [Applause.]

Gentlemen, I have seen this Muscle Shoals lobby at work for the last 10 years. I have seen them coming into Congress by the front door, and I have seen them coming in by the back door, and the side door, and up the alley. I have seen them come here as a peace proposition and as a war proposition; and as a war proposition I ask you, if water power is necessary to produce nitrogen why was this plant as a war measure put at a place where by no conceivable possibility could an ounce of water power be developed for five years?

The farmers of this country have been entirely bamboozled about this proposition. They have been led to believe that there will be some benefit to them. To quote Dr. Parsons again, he says:

I am in most hearty sympathy with the desire of the farmer and the War Department to fill the need of the American people for as large an amount of nitrogen and nitrogenous fertilizer as we can possibly make and for obtaining those nitrogenous materials at as low a price as it is possible to make them. I believe, however, that the farmers' organizations are very seriously deceiving themselves as to the outcome of this proposition. To my mind, both from the standpoint of a war reserve and from the standpoint of producing cheap fertilizer for the farmer, nothing worse could be done than to operate this plant at Muscle Shoals.

The CHAIRMAN. Why?

Dr. PARSONS. In the first place, they will find that instead of getting increased fertilizers that the plant will have to be continually subsidized from the United States Treasury to keep it going; it will cost considerably more, in my opinion, than the present commercial price of ammonium sulphate. Besides that, it will have a very great retarding effect on the development of the American nitrogen industry. The German plants are owned and operated by private capital. The cyanamide plants and, to a certain extent, I think, the Haber plants during the war were assisted by the German Government, but they are all back now under the nitrogen syndicate, in which, of course, the Government has a voice on the board of directors, but nevertheless they are private institutions. If that plant is operated at Muscle Shoals it will greatly tend to stop the development of the nitrogen industry in this country, which this country greatly needs, the same as all other countries. There is no other country outside of the United States which for a moment thinks of forming an immense Government nitrogen monopoly, to which this would inevitably lead.

Now, it does not make any difference whether they expend \$10,000,000 for the dam or \$12,500,000 to equip the plant. The two things are the same. They are both entering wedges for the expenditure of one-quarter of a billion dollars of the people's money to furnish cheap water power for a few select individuals. That is all this thing amounts to. [Applause.]



They tell you that you have got to run this plant; that you must not let it die. Let me read from the testimony of the man who built the plant, Col. Wagner. He testified at the hearings:

The plant could be kept in a stand-by condition, and I am perfectly willing to leave that to the unbiased judgment of any board of engineers that goes down there that it could be kept in a good and better condition if kept in a stand-by condition than by being run.

I tell you, gentlemen, there is no excuse for this outrageous expenditure of the public money. Let us not in these closing days of Congress become parties to this conspiracy of pelf. Let us throttle this plunderbund. [Applause.]

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker and gentlemen of the House, for a number of years I have been interested in agriculture and have personally backed up that industry in a small way. I am not willing to concede that the farmers of this country are entirely gullible, as might be inferred from some of the statements made here.

Another thing: Whenever any good citizen of my country comes to talk to or ask me a question about any project pending in Congress, I have always been willing that he should do so. I am not complaining because these men come here and ask Congress to develop this power. I am for the power, and I should deem it a calamity, just as Col. Cooper, one of the greatest hydroengineers in our land, said, that it would be a national calamity not to develop this power. Would you destroy the power of Niagara Falls if you could. The gentleman from Pennsylvania [Mr. DEWALT] said yesterday that this is a bigger power than Niagara Falls on the American side. The whole Tennessee River is involved; it will produce 550,000 horsepower, which is worth \$25 a horsepower per annum.

Mr. MACGREGOR. Will the gentleman yield?

Mr. SMITH of Michigan. No; I can not yield.

Mr. MACGREGOR. I want to correct the gentleman that it is bigger than Niagara Falls.

Mr. SMITH of Michigan. I am not for abandoning this project.

The Government has \$110,000,000 already spent on this power dam, and the men and machinery and the organization are now working on it.

It will cost when completed \$130,000,000.

It will make a power of 550,000 horsepower, and larger than the Niagara on the American side.

Some say it will never be used to make nitrate.

All right.

The farmers need plows, drags, rollers, drills, and automobiles. They need shoes and clothing. Homes need lighting; streets, schools, churches need lighting. It can furnish power for 200 miles both south, east, and west. Industry is waiting and will use every ounce of energy. Buffalo never sees a dark night because of Niagara. This will light and furnish power for Birmingham, Chattanooga, Memphis, and Nashville. Five hundred and fifty thousand horsepower at \$25 a horsepower would yield \$13,750,000, which would be 10 per cent on \$137,000,000, the cost of the dam. It would do the work of an army of men. Look at what Niagara does and this would duplicate that on the American side.

It is said let us wait until we determine on a policy. If any policy is determined upon it is one of harnessing up our water powers and setting them to work. There will always be enough for it to do, and it costs no more running water through the wheels than it does to flow down the stream. By the additional expenditure we harness the great Tennessee River and set it to work.

Some only object because of the condition of the Public Treasury. Very well. I am for protecting that and avoiding waste. If we want to help out the Treasury and the people, let us fund our foreign loan of \$10,000,000,000 into bonds and put into the Treasury to be used, sold, or disposed of as will best suit our needs, and the needs of the public. What are we doing about collecting or funding our foreign debt and helping the Treasury? Nothing but taxing the people. Let us help the Treasury out and not commit this great waste in the name of the Treasury.

If it is not paternalism to build the great dams all over the West for irrigation purposes then this is not paternalism. If it is not paternalism to ask \$500,000,000 for reclamation projects, then this is not paternalism. Lincoln said he was in favor of internal improvements. Here is one of the best. Whatever benefits one section of the country benefits all. Here we have a power we are told greater than that of Niagara on the American side in the heart of our country. Its energy for industry can be carried 200 miles in every direction. It is of inestimable value, and let us not scrap it.

We spend \$40,000,000, or quite that amount for one battleship. In time of peace it is of small value and no revenue. This power plant costing the same to complete, in time of peace will be of immense value, and both battleship and power plant are needed in time of war. I am for the battleship, and I am for the power plant. [Applause.]

Mr. BYRNS of Tennessee. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker and gentlemen of the House, early in the year 1916 in the preparation of the national defense, or preparedness, act, through the influence of the officials of the War Department and the organization of farmers throughout the country, section 124, known as the nitrate section, was incorporated. It directed the President to locate and build one or more air nitrate plants to be operated by steam or water power, one or both.

After a long and careful investigation through commissions, plant No. 1, using the synthetic process, was located at Sheffield, Ala. It was this small plant that some one recommended should be located at Chattanooga, Tenn. Plant No. 2, using the cyanamide process, was located at Muscle Shoals. They were built for a twofold purpose—for the manufacture of munitions in time of war and to make fertilizer in time of peace. Such was the express direction of Congress. Plant No. 2, at Muscle Shoals, is the largest and best air nitrogen plant in the world. It was finished just as the war ended and was 100 per cent in point of quality and production, as demonstrated by Government tests, and its location was wise and proper. At Muscle Shoals is the greatest water power east of the Mississippi River, except Niagara, and more power is being developed there by the Wilson Dam than at Niagara on the American side.

All the raw material such as limestone rock, coal, coke, and phosphate rock are in close proximity and in inexhaustible quantities; climatic conditions could not be better; within the safety zone recommended by the War Department; in the central part of the country using the greatest quantity of fertilizer; the very best transportation facilities, both by rail and water, to all the markets of the world.

In the face of all of this the gentleman from Ohio [Mr. LONGWORTH] continues to criticize the location and the cyanamide process. It is strange that he and Dr. Parsons should continue to discredit the cyanamide process in the face of its great success in practically every country in the world, and the further fact that there were 14 cyanamide plants before the war and that there are now 35. Dr. Parsons admits that he is connected with a company which is proposing or undertaking to develop the Haber process.

The operation of the plant at Muscle Shoals is necessary to increase the supply of fertilizer and give the farmers a cheaper and better grade. It is also necessary in order to preserve the plant for war purposes. To put it in a stand-by condition it would rust out and be of little value, besides the cost of guarding and keeping it in repair to preserve it for munition purposes would probably cost a half million dollars a year. Its economic value is dependent upon the dam and the development of the cheap water power. The dam is more than one-third complete. There are more than 4,000 men at work there now pouring nearly 2,000 cubic yards of concrete a day, all of whom will be thrown out of employment in a short time if this appropriation is not made. Seventeen million dollars has been spent on the dam, all of which will be lost if not completed. To close down the work for 12 months would result in a damage to the Government in the sum of \$4,500,000. It will develop 550,000 horsepower, 80,000 of which can be used for the operation of the plant to make fertilizer and the balance sold or leased to the public under Government regulations for enough to pay 5 per cent on the cost of the dam and an additional amount sufficient to cover maintenance and operation charges, supplying an area of 60,000 square miles, embracing a part of seven States. Besides, it will remove all obstructions to navigation for 18 miles over the worst part of the Muscle Shoals section of the river. Four million five hundred thousand dollars could be charged off to navigation. Dams Nos. 1 and 3, recommended by the engineers, are navigation dams and are in no way connected with the question now before the House. The estimates first made on these dams which have been referred to were made about 10 years ago under prewar conditions. The estimate of \$25,000,000 made by Col. Brown one year ago contemplated the installation of 100,000 horsepower. Col. Hugh L. Cooper, who built the Keokuk Dam, and is the greatest hydraulic engineer in the United States, stakes his reputation as a hydraulic engineer that \$50,000,000 will be the outside limit for the cost of the locks and dams and full installation of 550,000 horsepower. So it is safe for Congress to assume that when this appropriation

is made it will never be called on again to appropriate more than from \$18,000,000 to \$23,000,000.

The War Department has \$25,000,000 worth of Chilean nitrate in reserve and says that one-half of this amount is all that is necessary if plant No. 2 is in operation and could be converted at once into the manufacture of nitrogen for explosives, in the event of a military emergency, and recommends that \$12,500,000 worth of the nitrogen in reserve be sold to secure the funds necessary to build the ammonium sulphate plant and provide operating capital for the operation of plant No. 2. The testimony of nitrogen experts and the Government tests show that with the cheap water power fertilizer can be produced at plant No. 2 at almost one-half of what it now costs. The Chilean nitrate commission, with headquarters in Great Britain, fix the price of sodium nitrate, and the price of ammonium sulphate from by-product coke ovens is usually about the same as sodium nitrate in proportion to nitrogen contents. Some one has said that the farmers are deceiving themselves in what they expect from the operation of this plant for fertilizer purposes. Able and experienced representatives of all of the farmers' organizations have not only visited and examined this plant but have carefully studied the fertilizer problem from every viewpoint and are of one accord in asking Congress to complete the dam and operate the plant. Confidently believing that it will relieve them from the burdens of the Chilean monopoly, they are waiting with great anxiety to see if Congress will give them this much needed relief. How can any Member explain a vote against this measure which promises such great relief to the farmers who have been so hard hit recently in the slump in price of farm products? I discussed this question at length when it was before the House the 1st of January, and time will not admit of further discussion at this time.

I appeal to my colleagues who represent city districts as well as those who represent rural districts to vote for this appropriation, for farmers, or rather the products from the farms, build, support, and sustain the cities. If the fertility of the soil is exhausted and the lands cease to produce the cities will be depopulated and the streets grow up in grass.

I have too much confidence in the good judgment of the Members of this House to believe that this amendment will not receive enough votes to secure its adoption. It is the most important question that has been before the House for a long time. The future usefulness of the greatest Government project is dependent upon your vote to-day. Please permit me to appeal to you in behalf of preparedness and in behalf of agriculture to support this proposed appropriation, and continue the construction of this wonderful and most important development to completion. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY. Mr. Speaker and gentlemen of the House, nature has been so generous to my district that it does not use a pound of fertilizer. One of my chief reasons for favoring this project is based upon its value as an instrument of national defense. I call the attention of the House to the fact that in 1916 provision was made in the national defense act to establish this project as a military measure. For the present fiscal year this Government is expending \$950,000,000 on an Army and a Navy; \$450,000,000 annually for an Army, to do what? To fight? No; not to fight, because there is no prospect of war now. But we are spending \$450,000,000 to have an Army to fight when it may be necessary to fight. We are spending \$450,000,000 annually for a Navy, to do what? To attack other nations or to fight? No. We are spending that amount of money to have a Navy to fight whenever it may become necessary to fight. If it was necessary in 1916, before our entry into the World War, to provide a nitrate plant for war purposes and war needs, is it not wise now, when our experience is yet fresh in our memories, to keep that plant for future war purposes, and for purposes of national defense? Oh, but gentlemen say, "we do not want the Government to engage in the manufacture and sale of power." If you are to maintain this plant as a war proposition, is it any argument against its value that in time of peace it may be usefully employed and thereby contribute to its own maintenance? Would it be any argument against the wisdom or economy of providing and maintaining an Army if every man in the Army during peace times should turn his activities to the production of something that would be for the well-being and for the upkeep of the Army?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. CONNALLY. Would it be any argument against the maintenance of the Navy if in time of peace it were possible to utilize that Navy in the carrying of the commerce of the world or in carrying the mails? Gentlemen of the House, if we can maintain this great agency of national defense and usefully employ it in time of peace for the manufacture of nitrates, for fertilizer, or for the manufacture of power to be distributed over a wide area, will it not to a large extent contribute to the economy of its upkeep and at the same time prove a useful agency for the public welfare when the necessities of war may require?

The gentleman from Ohio [Mr. LONGWORTH] loudly declaimed against the proposition of carrying this item for the purpose of navigation or for the purpose of nitrates for fertilizer or for the purpose of water power. In that connection the gentleman adverted to the fact that he lives in Cincinnati. He seems to forget that at his city's feet there flows the Ohio River, upon the locks and dams of which, constructed for only one purpose, that of navigation, dissociated from power, dissociated from the manufacture of nitrates, this Government has already expended \$80,000,000 out of its Treasury. [Applause.] I do not begrudge the gentleman that expenditure. I am in favor of improving the waterways of this Nation wherever they may be, wherever it is practicable, and wherever their improvement will contribute to the welfare of the whole Nation, and I am in this particular in favor of this project, because it will be a great national asset, because in time of war it will supply the explosives for the engines of war and in peace it will furnish the nitrates for fertilizer to replenish and renew the fertility of our farms and fields, and incidentally it will make available for navigation and power purposes the Tennessee River, and thereby provide for its maintenance and upkeep, and by the expenditure of \$10,000,000 we shall save the \$110,000,000 already invested in this great enterprise. [Applause.]

Mr. GOOD. Mr. Speaker, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, from whatever standpoint we view the situation now before us, whether it be from the standpoint of the manufacture of fertilizer or from the standpoint of the development of navigation or of the development of power, after a careful consideration of all the evidence that has been presented, I am of opinion that we are not justified in making further investment at this time. I do not say that we may not further develop this enterprise, but I do say, and I do say it without fear of successful contradiction on the part of any man who has carefully read all of the testimony, that as matters now stand we are not justified in investing another penny in this enterprise or these enterprises without a further thorough and careful consideration of the matter from every standpoint. A new administration is about to take charge of the affairs of Government, a new administration charged with great responsibility, and that new administration should be left free to say whether or no, after careful investigation and consideration, there is merit in these enterprises; and if so, along what lines and to what extent we are justified in going further with them.

This is an effort under pressure to pledge the Congress to an expenditure, of doubtful value to the Nation, not of \$10,000,000 but of anywhere from \$50,000,000 to \$100,000,000, and after all the criticism we have made of the unwise expenditures of public moneys since the war began, after all of the charges we have made against the administration for its wasteful misuse of the public money, we are not justified, any of us, in going forward with these enterprises without giving further and careful consideration of every fact and feature of them. If the Congress shall now vote this \$10,000,000, which means the ultimate investment of from \$50,000,000 to \$100,000,000 in questionable undertakings, then I know of no demand that anyone can or is likely to make on the Congress that we can logically or consistently turn down. [Applause.]

Mr. BYRNS of Tennessee. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MANN] or more if he desires.

Mr. MANN of Illinois. Mr. Speaker, of course, you can get experts to testify on any side of any subject, but after having carefully in mind the discussions which have taken place in this House and in the other body, after having in mind the hearings and the testimony which has been printed, I venture to say that this plant, if completed, can be operated to manufacture cheaply and profitably nitrates for the benefit of the farmers of the country.

We are appropriating hundreds of millions of dollars for the Army, hundreds of millions of dollars for the Navy, hundreds of millions of dollars for the merchant marine, many million dollars for increasing the tillable area of this Nation through irrigation and other projects. I believe we can afford to ap-



appropriate the money necessary to complete this plant which will give the farmers an opportunity to increase the productivity of the soil and the size of their crops. They work early and they work late that we may have the raw materials of our foods and of our clothes. Here is an opportunity reasonably to carry on a plant which will give plenty in time of peace and powder in time of war [applause], and in my judgment we will make a great mistake if we turn back on this great enterprise. [Applause.]

Mr. BYRNS of Tennessee. Mr. Speaker [applause], how much time have I?

The SPEAKER. The gentleman has 14 minutes.

Mr. BYRNS of Tennessee. Mr. Speaker and gentlemen of the House, I wish to concur in what was said by my friend and colleague from Tennessee [Mr. SELLS] in his very eloquent speech of last night, and also in what was said by the gentleman from Pennsylvania [Mr. DEWALT], that this is in no sense a sectional question, nor should it be regarded by anyone in this House as a partisan question. I have been a Member of this House for 12 years. I have voted upon frequent occasions for the reclamation of the great arid West; I have voted for millions of dollars for the improving of rivers and harbors in the North, in the East, and all over this great country of ours, and I have never stopped for one minute to consider the section in which the money was to be expended, because I believe, as Members of this House, acting upon our oaths and obligations, we should vote for the best interests of the entire country, and that whatever benefits one section of the country benefits the whole country. I am not going to insult the intelligence and patriotism of you gentlemen upon the Republican side of the Chamber by assuming in advance that you are going to be actuated by any partisan or any sectional motives in the consideration of this proposition. Now, what have you here? During the war and as a war emergency there was spent at Muscle Shoals \$69,000,000 in the erection of a cyanamid plant—plant No. 2. Everyone agrees that that plant was properly located. Why, the gentleman from Ohio [Mr. LONGWORTH] undertook to criticize the action of the President in placing this plant at Muscle Shoals, and he quoted from Dr. Parsons. I ask you to read the record, for I speak from the record. I say that the testimony of Dr. Parsons does not substantiate the statement made by the gentleman from Ohio.

Dr. Parsons said the board to which he referred was considering the construction of a small Haber process plant, a plant which would not require water power, and because this plant was one requiring steam power they considered the location of a small plant at Chattanooga. But later on, when it became necessary to construct a great cyanamid plant for munition purposes, in order that our soldiers might be given the shot and shell necessary to win this war, this plant was located at Muscle Shoals, where there is possibly the greatest possibility of power development in this country. This plant requires hydroelectric power, and Dr. Parsons said he had no criticism of the location of the cyanamid plant at Muscle Shoals. Now, we have expended \$69,000,000 there. Everyone agrees, Dr. Parsons included, that the plant should be maintained as a war emergency, because we all know that in the event war shall come, if we are dependent entirely, as we were at the beginning of this war, upon Chilean nitrate, we would be at the mercy of any powerful enemy. Why, they talk about paternalism! Everyone agrees that this plant should be maintained as a war emergency, and we insist that as an incident thereto, for the purpose of saving the money already invested in that plant, some action should be taken toward maintaining it, and that it should be utilized in a manner that will prove of most benefit to the most people. Now, Col. Cooper has been spoken of. You all know Col. Cooper, one of the most eminent and distinguished hydraulic engineers in the United States. He stated he had not a dollar's interest in this concern. He is getting no salary for his splendid services to his Government, and he stated it would be a godsend to him, so far as his own personal business was concerned, if the Government should cease the construction of the dam and let him go about his own private business. But he told the Congress and told the country in his hearing before the committee that it would be a national calamity if Congress refused to appropriate the money necessary to complete that dam. He stated that he could not conceive that Congress would be so foolish as to refuse to make the appropriation necessary to complete it.

It is true that he said that he did not believe in the Government manufacturing nitrate at Muscle Shoals. He said he did not believe in the Government going into private business, and as an original proposition, that is a perfectly sound position. The gentleman from Iowa [Mr. HULL] read to you his statement that he believed in the marketing of the power at the

place where it is created to industries and for the purpose of building up industries in the country and in that section, comprising seven States and an area of 60,000 square miles. He further stated that if the Government did not complete this dam, there would be little if any future water-power development in the South.

Col. Cooper stated distinctly that he was not an expert on fertilizer, and he declined to express an opinion on it. It is true that the gentleman from Iowa [Mr. GOON], in his anxiety to get from the witness something to defeat this proposition which we propose in the interest of the farmers and the industries of this country, undertook to put in his mouth a certain state of facts in the form of a question. But here is what he said when given an opportunity to express himself. Let me read it to you:

The question has been raised as to whether or not this plant was not usable for fertilizer. I am not a fertilizer expert, and I do not want to go into that side of it, but I would say this as to fertilizer: When you have something to sell or to lease you have a fine chance with competition as between the private fertilizer companies on the one hand and the power consumers on the other represented by the public utilities, and you have these two competing with one another as to which is the best thing for the greater number.

Col. Cooper staked his reputation upon the fact that this dam would never cost, even at the present high cost of labor and material, more than \$50,000,000. He staked his reputation, as he stated in the hearings, on the fact that if it is constructed and this power is sold there would be no question as to the demand for it, and it would bring in a net return to the United States Government upon the \$50,000,000 expended on the dam of 3.58 per cent interest on the investment in the first year of its operation, and at the end of 10 years there would be a net return to the United States Government of 5 per cent upon every dollar placed in that dam. And in that statement he said that he had very liberally charged off 5 per cent for depreciation. In other words, he shows in his letter printed here in the hearings that there would be a 10 per cent gross return upon every dollar invested in that dam.

You have expended \$17,000,000 already in the construction of that dam. What are you going to do with it? Are you going to tell the American people, whom you are here to represent, that you are going to absolutely waste every dollar expended in that dam because, as intimated by the gentleman from Ohio, you do not like the section or place in which it was located? Are you going to tell the American people that you will throw away that money in the face of the fact that Col. Cooper, who has no interest in it, tells you that by the expenditure of \$33,000,000 more you can bring a return of 5 per cent on the investment and save the amount already invested, and build up the industries of the country? Col. Cooper says that if this work is not continued, if it is not constructed now, it will never be constructed, and the United States Government will never recover one dollar of the \$17,000,000 that has already been expended.

Why, the gentleman from Illinois [Mr. GRAHAM] said that it would destroy the navigability of the river. I do not suppose there is another man in this House or anywhere who has ever looked at the hearings who would make a statement of that kind. It is perfectly foolish to make that statement. They have navigation there now of only 5 feet by a canal which was constructed 50 years ago and is not adapted to modern boats and modern methods of transportation. It is true that if you want to complete the navigation at Muscle Shoals you have got to construct more dams, but that is for the future consideration of Congress.

I want to talk to you a moment on the subject of nitrates. Much has been said here to the effect that this plant will not be adapted to the manufacture of nitrates for fertilizer purposes. Dr. Parsons, at present employed by a Haber process plant now in process of construction and who appears more as an advocate than a witness, tells you it can not be done because this is a cyanamide plant. It would, of course, come in competition with the Atmospheric Air Nitrogen Co., by whom he is employed, and he can hardly be called an unbiased witness. Gentlemen have gotten upon this floor who never had a hoe in their hands in their lives, gentlemen have gotten upon this floor who were never between the handles of a plow, and have undertaken to solemnly tell you and the farmers of this country that this does not mean anything for their benefit. Gentlemen, I would rather take the word of the farmers of this country. Do not believe for a moment that they are entirely gullible. Do not believe that they do not know what is for their interest. Their representatives, representing millions of farmers, came before the committee, and what did they tell us? They told us it was distinctly in the interest of the farmer. They asked for it because they said they believed with the use of this secondary power, not the primary power, which will be sold,

nitrate could be manufactured there that would benefit the farming interests of the entire country.

What is the condition in regard to nitrogen? During a conversation with Mr. Mann a short while ago, brother of our distinguished colleague and the very able Representative on the floor of this House, he told me—and there is no better informed agricultural expert in the United States—that there had been a 50 per cent depreciation in the soils of this country by the constant reduction of nitrogen due to cultivation. Take the State of Iowa, where the production of corn has decreased from 50 bushels to 37, due to the fact that every year they are taking nitrogen from the soil and failing to put it back. Go to the State of Illinois, and there the production is reduced from 50 to 34, and to Ohio, where the production has been reduced from 50 to 25. This is a proposition to enable the farmer, if possible, to develop a means by which we can add to the nitrate production of this country and give back to the soil some of that nitrogen we are annually taking from it. I would rather trust Mr. Mann and the farmers of this country to know what is to their interest as to the solution of the problem of increasing production than to trust these gentlemen who have no actual knowledge and experience on the subject.

I was handed a statement that was published in the Washington Post of September 2, 1920, relating to the production of nitrogen in Germany. What do they say?

The German Government has released 50,000 tons of nitrogen made from the air for exportation at once, export duty free, to America.

Remember they use the cyanamide as well as the Haber process there, and this means at least 250,000 tons of ammonium sulphate or fertilizer. It says, further:

This information was received yesterday by the Bureau of Foreign and Domestic Commerce.

The German Government hopes, it was stated, that sale of this nitrogen will help raise the rate of German exchange. In spite of high prices and heavy taxes, deposits in German saving banks are increasing.

Gentlemen, it is a question with you as to whether or not you will stand in this vote for the interest of the American farmer and in the interest of the consumers of this country, who want to see our production increased, or whether you are going to stand for the German farmer and in the interest of the German manufacturer of nitrogen and the Fertilizer Trust of this country, which has conducted such a powerful lobby against this appropriation. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. GOOD. Mr. Speaker, a great power development can be made in the Tennessee River. There is no question about that. But I protest that the power development intended for the Alabama Power Co. shall not be brought before this House and voted for in the name of the American farmer. [Applause.]

It is admitted that the primary horsepower on the Tennessee River is somewhere between 85,000 and 100,000 per annum. The primary horsepower is the constant power throughout the year. It is not proposed to use any of the primary horsepower for the manufacture of nitrates. Mr. Bower, of the American Farm Union, who came before the committee, testified that that power would cost too much, that that power was worth 4.4 mills per kilowatt hour, and that it was necessary to have cheaper power to manufacture fertilizer; and that inasmuch as Col. Cooper had estimated that the secondary power ran from nothing up to 400,000 horsepower in time of flood, they would use the first 80,000 horsepower of the secondary horsepower at Col. Cooper's estimate at 1.2 mills per kilowatt hour, and make fertilizer.

Col. Cooper said that after 10 years by the sale of all of the primary and secondary power developed this plant would bring in enough to pay operating expenses, depreciation, and obsolescence, and leave a 5 per cent return on the money invested.

But he made it plain that result depended upon the sale of the secondary power at 1.2 mills per kilowatt hour. Mr. Bower said that they must have the first 80,000 horsepower, mind you, of the secondary power; not the last 80,000 horsepower of the secondary power, but of the first. The fact is, if you take 80,000 horsepower of the first of the secondary power, it is worth almost as much as the primary power. And yet the first 80,000 horsepower of the secondary power will only permit that plant to be run for eight months in the year during years of light rainfall, and consequent low water, and when Mr. Bower was asked what he would do with the 2,500 men that would be engaged in manufacturing fertilizer for the four months when there was no power, he said, "I would pay them their wages and keep them there." Of course, it would be necessary to do this, otherwise you would not have the men to run the plant when you did have water.

At present it is costing the War Department \$3.60 a day per man, and they have several thousand employed. That, multiplied by 2,500, will total \$9,000 a day for idle men. Multiply it by four months, and you will have \$1,080,000, which must be charged somewhere to idleness. And if you add that to the cost of the maximum of production of fertilizer you add at once \$5 a ton to that production.

More than that, nothing has been said here in regard to the vast quantity of sludge produced in the manufacture of 220,000 tons of fertilizer. To manufacture 220,000 tons of fertilizer per year will produce, according to the statement made by all of the experts, 1,500 tons of sludge per day, or 450,000 tons of sludge every year. What do you think they propose to do with it? There is not a cent, not anything, in this estimated cost of producing fertilizer for removing the sludge. What do you think they propose to do with it? They propose to dump it into the river; 3,000 cubic yards per year; and then the next thing you would have them come here before Congress with an estimate for millions of dollars for removing the sludge out of Tennessee River. Now, we have some lowlands about 3 miles away from the plant. You can haul about three or four loads a day. A cubic yard of this sludge, which is something like sand, would be all that a man could haul. It would take 400 teams to haul away the sludge alone, and this would add another \$5 per ton for the fertilizer produced. If you are going to estimate what it will cost to produce fertilizer, you must include all the elements of production.

Oh, the gentleman from Illinois [Mr. MANN] smiles, but he does not smile, or will not, when I remind him this estimate can not be as far off as some of the War Department's estimates with regard to this dam. Back only six years ago the War Department, which is now building this dam, made an estimate, and they estimated that Dam No. 1 would cost \$57,000. That is Dam No. 1. In 1920 it estimated it would cost \$2,450,600; and when asked to-day what it would cost they say, "We do not know." Dam No. 2 was first estimated, six years ago, to cost about \$12,500,000, in the Burgess report, which is found in House Document 1262, Sixty-fourth Congress, first session. That was the estimate of the War Department, and the details are there. Then last year, before the Graham committee, Col. Brown, representing the War Department, said that Dam No. 2 would cost \$23,800,000; and now to-day this same War Department, after having spent \$17,000,000 down there in building the dam, say it will cost \$60,000,000.

But that is not all. They propose to build Dam No. 3 also. That was originally estimated, six years ago, to cost \$5,200,000. Last year it was estimated at \$12,033,000, and now they say they do not know how much it will cost.

Oh, they say, "This is a good thing," that it will be a wonderful investment for the United States. Let us see if it will. Take the testimony of Col. Cooper, upon whom the proponents rely. Col. Cooper is one of the great hydraulic engineers of this country. He built the Keokuk Dam. He raised the money to build it. He is a money-maker, and is looking for good investments of this character for his large clientele. The testimony shows that Col. Cooper can raise money. He admits it. Now, let us see what he says about this dam. He was asked this question—on page 59 of the hearings I asked if he would take the dam and complete it if the Government would turn it over to him after spending \$17,000,000, and he said, "No, sir." I then asked him this question: "Suppose we should say we will put in \$17,000,000 more, then would you take it?" His answer was, "No, sir." [Applause.] Wonderful investment, this Wilson Dam. Why, think of it! One of the best engineers in the world, the engineer the proponents are relying upon, says before the committee that if Congress will spend \$34,000,000 in building this dam he would not take it as a gift and complete it and operate it! Now, if Col. Cooper does not want that kind of an investment, the 105,000,000 taxpayers all over this land do not want it. They would rather lose what is gone and stop than to send more good money after what is lost. [Applause.]

The gentleman from Tennessee [Mr. SELLS] misinterprets, I am afraid, the motive that cause that great people of Tennessee to sweep the Republican Party into power in that State.

Oh, the people of Tennessee, living there, and where they could see the \$90,000,000 wasted down at Old Hickory, and \$70,000,000 in a nitrate plant at Muscle Shoals, and \$17,000,000 more on the Wilson Dam knew what the issues were last November. These good people living in the very shadow of these monuments to the colossal failure, the colossal and unthinkable waste and extravagance, living, I say, in the shadow of this monument to the administration of Woodrow Wilson, seeing that said, "we have had enough of this and we are sick of it," and they expect us to act differently toward the taxpayers,



and we are going to do it. [Applause.] If it is going to cost \$85,000,000 to hold Tennessee in the Republican column I do not think that this side of the House is for it. The cost is too great.

Mr. BYRNS of Tennessee. Where does the gentleman get his authority for the statement that it will cost \$85,000,000?

Mr. GOOD. I wonder if the Democratic side of the House are willing to expend \$85,000,000 out of the Treasury to keep the Republican Party in power in Tennessee? If so, how much do you want to spend out of the Treasury to put the Republicans in power down in South Carolina, and how much will it cost out of the Treasury of the United States to carry Texas and keep it in the Republican column? [Laughter.] Oh, no; we are not treating the Treasury in that way. We believe in keeping campaign expenses down, and we do not believe in paying a dollar of them out of the Treasury of the United States. Yet you are going to vote to spend \$10,000,000 more now and eventually \$85,000,000 to keep the Republican Party in power in Tennessee.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. GOOD. No; I regret I can not.

The SPEAKER. The gentleman declines to yield.

Mr. GOOD. I have said that they propose to use the first 80,000 horsepower of the secondary power to manufacture nitrates. Let us see what Col. Cooper said about that. On page 77 of the hearings this question and answer appear:

The CHAIRMAN. Mr. Cooper, the nitrate people say they must have the first 80,000 horsepower of secondary power. If this plan was followed, what effect would this have on your estimated earnings from secondary power?

Mr. COOPER. Such a first use of 80,000 horsepower secondary power would defeat my power plan. The first 80,000 horsepower secondary power will produce 440,000,000 kilowatt hours for an average period of slightly over 10 months per year. Compare this first 80,000 horsepower with the last 80,000 horsepower of secondary power. The last 80,000 horsepower of secondary power will produce an average of only 172,000,000 kilowatt hours for an average period of 4 months per year. Power that is good for 10 months per year is worth at least 33 1/3 per cent more per kilowatt hour than the same kilowatt-hour power that is good for 4 months per year. I feel quite certain that the taking away from the secondary earning capacity in my plan now before you of the first 440,000,000 kilowatt hours per annum would be taking off so much of the cream of this business as to make the remaining skim milk not worth building transmission lines for.

In other words, if you permit this nitrate-production scheme to go through, then your power plant falls to the ground, and Mr. Bowen, the farmer's friend, says you can not make the manufacture of fertilizer a success except that you first make the power plant a success by the sale of power to the municipalities and the industries. Hence it matters not which horn of the dilemma you take you can not use the power for the successful manufacture of fertilizer.

I agree with Col. Cooper that there are great power possibilities there, although the stream is erratic. But, my friends, if you vote for this, forget at once all about nitrate. You will never manufacture nitrates for the farmer at this plant. Why, do you know that you have not a plant there with which you can manufacture nitrate for the farmer? You have to build a new plant. The plant there was built by the American Cyanamid Co., and they manufacture cyanamid and ammonium nitrate and not ammonium sulphate; and ammonium sulphate is the only commercial fertilizer that can be produced that will have anything like general use by the farmer. That is in the testimony. Everybody admits that. They propose now to shove in another bill before this House, already passed by the Senate, carrying \$12,500,000, to be used in the manufacture of fertilizer at Muscle Shoals. Of that amount, it is proposed that the losses will be \$3,000,000 for the first year in manufacturing fertilizer, and you are going to be called upon to vote for that very proposition if you agree to this.

Now, I have said that the Alabama Power Co. is interested. Mr. Cooper says that he would sell this power at the plant, at the place of production. Whose wires are at the place of production? The wires of the Alabama Power Co. and no one else. Let me quote again from the report of the War Department as found in the Burgess report:

The work accomplished in the past four years in connection with Lock 12 on the Coosa River stands as a great example of the advantages of such cooperation.

He is referring to Government cooperation.

And also makes the Alabama Power Co. the logical and, in fact, the only company capable of building up the market necessary to use the power which may be developed at Muscle Shoals.

With the sites already owned and developed, and the territory covered by the transmission lines of the Alabama Power Co., none of the hydroelectric systems of the North and East can economically, or without duplication of investment, be tied into Muscle Shoals and have the public reap the benefit which may be derived from the combination of Muscle Shoals and the Alabama Power Co. system.

What is the Alabama Power Co.? Poor's Manual gives the Alabama Power Co., incorporated January 5, 1912, under the

laws of the Dominion of Canada, and it owns all the stock in the Alabama Interstate Power Co., the Birmingham, Montgomery & Gulf Power Co., the Muscle Shoals Hydroelectric Power Co., the Alabama Property Co., the Alabama Power & Light Co., the Asbury Electric Power Co., and the Anniston Steel Co., and it controls the Selma Lighting Co., the Dixie Construction Co., the Winona Coal Co., and the Coosa Securities Co., and holds \$2,000,000 of stock in the United Gas & Electric Corporation. And here is their publication on Muscle Shoals, entitled "America's Gibraltar," published in the interest of the farmer, almost in the words of the gentleman from Illinois, is found the words "In peace, prosperity for the farmer; in war, preparedness for the Nation." That is the propaganda put out by the Alabama Power Co. and its subsidiaries, hiding behind the cloak of the farmer. This project is the protégé of Woodrow Wilson, whose picture adorns its pages, and when you vote for this measure, when you vote to take \$10,000,000 out of the Treasury for this power steal—for it is nothing else—you do not vote to aid the farmer, but you vote to put an additional tax upon the taxpayers of the country in order that the Alabama Power Co., with its \$30,000,000 of stock and \$15,000,000 of bonds, a company of which James Mitchell, of London, England, is president, may reap the benefit that will come through heavy taxes that your constituents must pay. My friends, that is the issue involved in this amendment. Let no one deceive you, not even so-called representatives of the farmer. Some one had better be a bit careful or the farmer will want to know who has tied him up with the \$50,000,000 British corporation that has farmer and industry alike by the throat. [Applause.]

The SPEAKER. By the agreement the previous question is ordered, and the vote comes, first, on the preferential motion offered by the gentleman from Illinois that the House recede from its disagreement and concur in the Senate amendment.

Mr. MANN of Illinois. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 182, nays 193, answered "present" 3, not voting 50, as follows:

## YEAS—182.

Almon	Dominick	Lazaro	Romjue
Ashbrook	Doremus	Lee, Calif.	Rouse
Aswell	Drane	Lee, Ga.	Rucker
Ayres	Drewry	Leshner	Sabath
Babka	Dupré	Linthicum	Sanders, La.
Bankhead	Eagan	Little	Schall
Barbour	Eagle	McAndrews	Sells
Barkley	Evans, Mont.	McClintic	Sherwood
Bee	Ferlis	McDuffie	Sims
Bell	Fields	McKeown	Sinnott
Benson	Fisher	McLane	Sisson
Black	Flood	Maher	Slemp
Bland, Mo.	Gandy	Major	Small
Bland, Va.	Ganly	Mann, Ill.	Smith, Mich.
Blanton	Gard	Mansfield	Smithwick
Bowling	Garrett	Martin	Stengall
Box	Godwin, N. C.	Mays	Stedman
Brand	Goldfogie	Miller	Stephens, Miss.
Briggs	Griffin	Milligan	Stevenson
Brinson	Hardy, Tex.	Minahan, N. J.	Stoll
Brumbaugh	Harrell	Monahan, Wis.	Summers, Tex.
Buchanan	Harrison	Montague	Swindall
Burke	Hastings	Moore, Va.	Swope
Byrnes, S. C.	Haugen	Morin	Tague
Byrnes, Tenn.	Hoyden	Neely	Taylor, Ark.
Candler	Hoy	Nelson, Mo.	Taylor, Colo.
Cantrill	Holland	Nicholls	Taylor, Tenn.
Caraway	Howard	O'Connell	Tilman
Carew	Huddleston	O'Connor	Upshaw
Carrs	Hull, Iowa	Oldfield	Venable
Carter	Hull, Tenn.	Oliver	Vinson
Casey	Humphreys	Overstreet	Watkins
Christopherson	Igoe	Padgett	Weaver
Clark, Fla.	Jacoway	Park	Welling
Cleary	James, Va.	Parrish	Welty
Coady	Johnson, Ky.	Pou	Whaley
Collier	Johnson, Miss.	Quin	Williams
Connally	Jones, Tex.	Rainey, Ala.	Wilson, La.
Crago	Keller	Rainey, Henry T.	Wilson, Pa.
Cramton	Kettner	Raker	Wingo
Crisp	Kless	Randall, Calif.	Woods, Va.
Davis, Tenn.	Kincheloe	Rayburn	Wright
Dent	King	Riddick	Yates
Dewalt	Lanham	Riordan	Young, Tex.
Dickinson, Mo.	Lankford	Robinson, N. C.	
	Larsen	Rodenberg	

## NAYS—193.

Ackerman	Burdick	Dempsey	Evans, Nebr.
Anderson	Burroughs	Denison	Fairfield
Andrews, Md.	Campbell, Kans.	Dickinson, Iowa	Fess
Andrews, Nebr.	Cannon	Doelling	Fish
Anthony	Chindblom	Dowell	Focht
Begg	Cole	Dunbar	Fordney
Benham	Cooper	Dyer	Foster
Bland, Ind.	Cullen	Echols	Frear
Bolles	Currie, Mich.	Edmonds	Freeman
Bowers	Dale	Elliott	French
Brooks, Ill.	Dallinger	Elston	Fuller
Brooks, Pa.	Darrow	Emerson	Gallivan
Browne	Davis, Minn.	Esch	Gallagher

Glynn	Knutson	Nolan	Snell
Good	Kraus	Ogden	Snyder
Goodall	Kreider	Olney	Steenson
Goodykoontz	Lampert	Osborne	Stephens, Ohio
Gould	Langley	Paige	Stiness
Graham, Ill.	Layton	Parker	Strong, Pa.
Green, Iowa	Lchbach	Patterson	Summers, Wash.
Greene, Mass.	Longworth	Pell	Sweet
Greene, Vt.	Luce	Perlman	Temple
Griest	Lufkin	Peters	Thompson
Hadley	Luhning	Porter	Tilson
Hardy, Colo.	McArthur	Purnell	Timberlake
Hawley	McCulloch	Radcliffe	Tincher
Hays	McFadden	Ramsey	Tinkham
Hernandez	McGlennon	Ramseyer	Towner
Hersey	McKenzie	Randall, Wis.	Treadway
Hickey	McLaughlin, Mich.	Ransley	Vestal
Hicks	McLaughlin, Nebr.	Reavis	Volgt
Hill	McLeod	Reber	Volk
Hoch	McPherson	Reed, W. Va.	Volstead
Houghton	MacGregor	Rhodes	Walsh
Hullings	Madden	Ricketts	Ward
Hutchinson	Magee	Robison, Ky.	Wason
Ireland	Mapes	Rogers	Watson
Jefferis	Mason	Rose	Webster
Johnson, S. Dak.	Mead	Rowe	Wheeler
Johnson, Wash.	Merritt	Sanders, Ind.	White, Kans.
Jones, Pa.	Mondell	Sanders, N. Y.	White, Me.
Juul	Moore, Ohio	Sanford	Wilson, Ill.
Kahn	Moore, Ind.	Scott	Winslow
Kearns	Mott	Shreve	Wood, Ind.
Kelly, Pa.	Mudd	Siegel	Young, N. Dak.
Kendall	Murphy	Sinclair	Zihlman
Kennedy, R. I.	Nelson, Wis.	Smith, Idaho	
Kinkaid	Newton, Minn.	Smith, Ill.	
Klecza	Newton, Mo.	Smith, N. Y.	

ANSWERED "PRESENT"—3.

Britten

Michener

Strong, Kans.

NOT VOTING—50.

Bacharach	Dunn	Kelley, Mich.	Rubey
Baer	Ellsworth	Kennedy, Iowa	Scully
Butler	Evans, Nev.	Kitchin	Sears
Caldwell	Garner	Loneragan	Steele
Clark, Mo.	Goodwin, Ark.	McKinley	Sullivan
Classon	Graham, Pa.	McKinley	Thomas
Copley	Hamill	Mann, S. C.	Vaile
Costello	Hamilton	Moon	Vare
Crowther	Hersman	Mooney	Walters
Curry, Calif.	Hudspeth	Phelan	Wise
Davey	Husted	Rainey, John W.	Woodyard
Donovan	James, Mich.	Reed, N. Y.	
Doughton	Johnston, N. Y.	Rowan	

So the motion to recede and concur was rejected.

The following pairs were announced:

Mr. CLARK of Missouri (for) with Mr. DUNN (against).  
 Mr. KITCHIN (for) with Mr. BRITTEN (against).  
 Mr. THOMAS (for) with Mr. SULLIVAN (against).  
 Mr. HUDSPETH (for) with Mr. STRONG of Kansas (against).  
 Mr. CURRY of California (for) with Mr. HUSTED (against).  
 Mr. WISE (for) with Mr. BUTLER (against).  
 Mr. MICHENER (for) with Mr. REED of New York (against).  
 Mr. CALDWELL (for) with Mr. KELLEY of Michigan (against).  
 Mr. GARNER (for) with Mr. HAMILTON (against).  
 Mr. RUBEY (for) with Mr. McKINLEY (against).  
 Mr. JOHN W. RAINEY (for) with Mr. WALTERS (against).  
 Mr. GOODWIN of Arkansas (for) with Mr. VARE (against).  
 Mr. SEARS (for) with Mr. COSTELLO (against).  
 Mr. DOUGHTON (for) with Mr. BACHARACH (against).  
 Mr. MOON (for) with Mr. BAER (against).

Until further notice:

Mr. CROWTHER with Mr. STEELE.  
 Mr. WOODYARD with Mr. DONOVAN.  
 Mr. CLASSON with Mr. JOHNSTON of New York.  
 Mr. GRAHAM of Pennsylvania with Mr. DAVEY.  
 Mr. COPLEY with Mr. McKINLEY.  
 Mr. JAMES of Michigan with Mr. ROWAN.  
 Mr. ELLSWORTH with Mr. HAMILL.  
 Mr. KENNEDY of Iowa with Mr. PHELAN.  
 Mr. VAILE with Mr. EVANS of Nevada.

Mr. STRONG of Kansas. Mr. Speaker, I have a pair with the gentleman from Texas, Mr. HUDSPETH. If he were here, he would vote "aye." I voted "no," and I wish to withdraw that vote and answer "present."

Mr. BRITTEN. Mr. Speaker, I have a pair with the gentleman from North Carolina, Mr. KITCHIN, and I wish to withdraw my vote of "no" and answer "present."

Mr. MICHENER. Mr. Speaker, I voted "aye," but I wish to withdraw that vote and answer "present," as I am paired with the gentleman from New York, Mr. REED.

The result of the vote was announced as above recorded.

On motion of Mr. GOOD, a motion to reconsider the vote whereby the motion to recede and concur was rejected was laid on the table.

Mr. GOOD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GOOD. My understanding is that the motion pending is that the House insist further on its disagreement.

The SPEAKER. The question is, Will the House further insist on its disagreement?

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

For removal and reconstruction of a part of the fence around the Botanic Garden made necessary on account of the completion of the Grant Memorial, to be immediately available, \$3,000, or so much thereof as may be necessary, to be expended under the supervision and direction of the Director of the Botanic Garden.

Mr. GOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Iowa moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. GOOD moves that the House recede and concur with the following amendment: Insert a period after the word "necessary" in line 4 of said amendment and strike out the remainder of the amendment.

The SPEAKER. The question is on the motion of the gentleman from Iowa that the House recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 111: Page 112, line 15, insert:

"Fighting forest fires in national parks: For fighting forest fires in national parks, or other areas administered by the National Park Service, or fires that endanger such areas, and for replacing buildings or other physical improvements that have been destroyed by forest fires within such areas, \$25,000: *Provided*, That these funds shall not be used for any precautionary fire protection or patrol work prior to actual occurrence of the fire: *And provided further*, That the allotment of these funds to the various national parks, or areas administered by the National Park Service, for fire-fighting purposes, shall be made by the Secretary of the Interior, and then only after the obligation for the expenditure has been incurred, and the Secretary of the Interior shall submit with his annual estimate of expenditures a report showing the location, size, and description of each forest fire, together with the number of men, their classification and rate of pay and actual time employed, and a statement of expenditures showing the cost for labor, supplies, special service, and other expenses covered by the expenditures made from these funds."

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 111 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 114: Page 115, line 1, insert: "Hereafter the Hot Springs Reservation shall be known as the Hot Springs National Park."

Mr. GOOD. Mr. Speaker, this matter was in the bill as reported in the House. It simply changes the name of the Hot Springs Reservation to the Hot Springs National Park. I have no particular interest in the matter. I do not know why it was asked for except that they want the names of the parks uniform. They do not want one of them called a reservation and another a park. This national park has more scenic beauty than the Platte National Park and many others.

Mr. WALSH. Mr. Speaker, did the gentleman visit this reservation?

Mr. GOOD. I have never been there.

Mr. WALSH. Does the gentleman not think it would look just the same if we call it a reservation?

Mr. GOOD. I think it would.

Mr. WALSH. I would like to know the reason back of this.

Mr. GOOD. The national park people gave no reason whatever except they stated they thought the parks should be uniform in name; that all of the parks under their jurisdiction were called parks, while this is called a reservation.

Mr. WALSH. It is a reservation and it is treated as a reservation.

Mr. GOOD. Yes; and so are the other national parks.

Mr. WALSH. Oh, no.

Mr. GOOD. If the gentleman thinks there is any reason why it should not be agreed to I am perfectly willing to move that the House insist on its disagreement.

Mr. WALSH. Why not call it a garden?

Mr. GOOD. Mr. Speaker, I move that the House insist upon its disagreement to Senate amendment No. 114.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 120: Page 120, line 8, insert:

"For additions to the home economics building, to include dining hall and kitchens, to provide refrigeration, laundry, bakery, garbage incinerator, all equipment necessary for the buildings and also to provide for heating apparatus therefor and material and labor required in bringing heat from the central heating plant of Freedmen's Hospital to the buildings, \$116,000."



Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to amendment No. 120 and concur in the same. This is a provision for constructing a building at Howard University. The trustees of Howard University have had hard work in raising money by private subscription to build the necessary buildings for this colored university. It is located here at the National Capital. The buildings are not what they should be, and they are very much in need of this building. The matter came before the House committee, and the House committee would have reported for the building provided for by this amendment if it had not been subject to a point of order. I therefore move that the House recede from its disagreement to Senate amendment 120 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 121: Page 120, line 24, strike out "\$164,000" and insert in lieu thereof "\$280,000."

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 121 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 127: Page 141, line 3, insert: "The provision of section 6 of the act entitled 'An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes,' approved June 20, 1918, relative to compulsory retirement shall not apply to an employee of the Lighthouse Service if within 60 days after the passage of this act or not less than 30 days before the arrival of such employee at the age of 70, the Secretary of Commerce shall certify as a matter of public record that by reason of his efficiency and willingness to remain in the Lighthouse Service of the United States the continuance of such employee therein would be advantageous to the public service. In that event such employee may be retained for a term not exceeding two years, and at the end of two years such employee may, by similar certification, be continued for an additional term not exceeding two years: *Provided, however,* That at the end of 10 years after this act becomes effective no employee shall be continued in the Lighthouse Service beyond the age of compulsory retirement defined in the act of June 20, 1918, referred to in this paragraph: *Provided further,* That nothing herein shall exclude or prevent any employee of the Lighthouse Service who shall have reached the age of compulsory retirement within 30 days before or after the date of the passage of this act from enjoying the privileges thereof."

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to amendment No. 127 and concur in the same. Under the law an employee of the Lighthouse Service when he arrives at the age of 70 is retired. Under this amendment, if he is in good health and the service will certify that he is in good health and is able to perform all of the duties and do his work as well as a younger man and he desires to remain in the service, instead of being retired he will be permitted to remain for two years, and at the end of two years his employment can be extended on certificate for two years longer.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. WALSH. Is not this making a different rule with reference to retirement in the Lighthouse Service than is made in the Post Office Department?

Mr. GOOD. My recollection is that in the hearings there was one department where they have—

Mr. MANN of Illinois. No; the general retirement act carries this same provision. It does not apply to the Lighthouse Service, because there is a special law with reference to the Lighthouse Service. This is simply to make the Lighthouse Service conform to the general retirement act.

Mr. WALSH. I thought it was the other way around.

Mr. MANN of Illinois. No.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. GARD. Mr. Speaker, is this policy of an extension of four years beyond the age of retirement of 70 years new legislation?

Mr. GOOD. Yes; it would be new legislation, but, as the gentleman from Illinois [Mr. MANN] has stated, this provision will put the Lighthouse Service on the same footing as the other services with regard to the age of retirement.

Mr. GARD. Not all of the other services.

Mr. GOOD. Yes.

Mr. GARD. I think the Post Office Service is different from this. In that service I think it is made mandatory that a carrier must retire at 68.

Mr. GOOD. I could not give the gentleman that information.

Mr. GARD. I think it is 68, and I am sure that they have no permission of an extension to 74 years.

Mr. GOOD. I do not know as to that. I only know that this matter was urged by the Lighthouse Service. The Committee on Appropriations did not carry it because it was legislation, but the Senate committee found, as did the House committee,

that under the operation of the law this would deprive the service of some of the very best men for a couple of years more, and would force them into retirement.

Mr. GARD. It would only apply to those in the clerical positions in the Lighthouse Service. Seventy-four years is a rather old age for active service, is it not?

Mr. GOOD. They stated that one of their most valuable men, a man whose services it would be almost impossible to replace, would be compelled to go out of the service if this amendment did not prevail. I do not know whether he is in the clerical end or not.

Mr. GARD. That is what I understood; it is probably to take care of a man or two, or three or four.

Mr. GOOD. No; that is the way these matters usually come up. When a law of this kind is put on the statute books and some one finds that he can not continue in public service because of that law and the department wants him—

Mr. GARD. We make a general law and then begin to make exceptions.

Mr. GOOD. I understand; but these exceptions, however, bring the Lighthouse Service on all fours with the other services.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. MANN of Illinois. This provision was carried in the general act for retirement; that is the reason it is here. Now, what is the fact in the matter? In all of these cases retirement pay is very much smaller than active pay. These retirement acts are very recent in date. A very large number of the employees who have been receiving active pay have not saved much, if anything, out of their salaries, and it is very inconvenient for them to live on the retired pay, and both in the Lighthouse Service and all the other services a considerable proportion of these people who would be retired under the law are seeking to remain in the service a few years longer on active pay.

Mr. GARD. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. GARD. The gentleman recognizes that these people do not come and voluntarily wish to retire when they can stay in the active service and get additional compensation and do the work?

Mr. MANN of Illinois. Very true; they do not voluntarily retire. Some gentlemen do retire. The gentleman from Ohio has retired, much to our regret, voluntarily.

Mr. GARD. Retirement service very generally must be apart from any voluntary matter; it must be made more or less arbitrary to include classes up to a certain number of years.

Mr. MANN of Illinois. Undoubtedly, and this provision was put in the law for the reason that I have stated. It is equally applicable in spirit to the Lighthouse Service, although I believe it is provided that after 10 years it shall not be effective.

Mr. PARRISH. Will the gentleman yield for one single question?

Mr. MANN of Illinois. If I can answer it.

Mr. PARRISH. I understand that some departments will allow employees the benefit of the provisions of any extension of time and other departments will not.

Mr. MANN of Illinois. I think all departments do in various cases. The Post Office has in a great many cases to my knowledge.

Mr. PARRISH. Well, I was under the impression, from information I have received from the Post Office Department, that they were not allowing it in any case.

Mr. MANN of Illinois. Well, the gentleman is mistaken.

Mr. PARRISH. I wanted to get that information and get it straight.

Mr. MANN of Illinois. They have to discriminate between cases; that is what the law requires them to do, to discriminate; now, whether they discriminate properly or not I would not state.

Mr. FAIRFIELD. But even where the terms of the law have been absolutely complied with and recommendations have been made they refuse to execute the law.

Mr. MANN of Illinois. Oh, well, what is the fact? An employee of the Post Office Department asks his foreman to recommend him to stay on two years longer, and it is a good deal like asking a man in this House to sign a petition, why he does it, that is all; and they do the same there, and it goes on up, unless there is reason, to show that the man is competent to conduct the postal business just as a younger man.

Mr. FAIRFIELD. As a matter of fact, I know individual cases in which the terms of the law have been complied with in every respect. Recently a statement has been made by the

Postmaster General that all such men would be retired at the age limit without regard to this provision.

Mr. MANN of Illinois. Well, now, I think the gentleman will not find any statement from the Postmaster General to that effect except in the newspapers.

Mr. FAIRFIELD. I have some letters in my office signed by subordinates stating that is his position in regard to it.

Mr. MANN of Illinois. There have been a good many cases where continuance has been allowed.

Mr. PARRISH. I have one particular case in mind, if the gentleman will permit me to make this statement.

Mr. GOOD. I will yield the gentleman one minute.

Mr. PARRISH. I have in mind a carrier who carries the mail at Bowie, Tex., and who has been carrying it about 16 years, I believe. He has absolutely on account of bad health never missed a single trip. A physician certified his qualification, and the postmaster certified his qualification, and there is absolutely not one single solitary reason why this man should not be continued in the service. The postmaster has certified that he can carry the mail better than anybody else so far as that particular route is concerned, and they have absolutely refused to permit that man to stay.

Mr. FAIRFIELD. I have a number of cases of the same kind.

Mr. PARRISH. I want to get at what the facts are.

Mr. WALSH. Will the gentleman yield?

Mr. GOOD. I will.

Mr. WALSH. Will the gentleman state what is the idea of that last proviso?

That nothing herein shall exclude or prevent any employee of the Lighthouse Service who shall have reached the age of compulsory retirement within 30 days after or before the date of the passage of this act from enjoying the privileges thereof.

Mr. GOOD. I suppose it means what it says.

Mr. WALSH. But what does it mean?

Mr. GOOD. It means that nothing herein shall exclude or prevent any employee of the Lighthouse Service who shall have reached the age of compulsory retirement at the age of 70 within 30 days before or after the passage of this act enjoying the privileges thereof. I suppose that is to cover one employee that they are fearful they are going to lose and whose services they desire.

Mr. WALSH. That is what I thought it meant, but that is not what it says.

The SPEAKER. The question is on the motion of the gentleman that the House recede and concur in the Senate amendment.

The question was taken, and the motion was agreed to.

Mr. TAYLOR of Arkansas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Arkansas. Would it be in order now to make a motion to reconsider the vote taken on amendment No. 114, just passed?

The SPEAKER. The Chair thinks so.

Mr. TAYLOR of Arkansas. Mr. Speaker, I move that the vote whereby the House insisted upon its disagreement to amendment 114 be reconsidered.

Mr. GOOD. Mr. Speaker, I have no objection to that. I yield five minutes to the gentleman from Arkansas.

Mr. TAYLOR of Arkansas. Mr. Speaker and gentlemen of the House, I have appeared for this amendment on one or two occasions heretofore.

The Hot Springs is the oldest reservation or park in this Nation. It was set apart and withheld by Congress from sale or disposition in 1832, nearly 90 years ago. It has struggled along, paying its own way, without the Government having to contribute to its maintenance and support, and now, since it is the oldest reservation we have, and since it is a resort for the lame, halt, and afflicted, for all the people of this Nation and, for that matter, the world, I think it is high time that the Congress should permit it to be dignified by the name of a national park. We do not want the people who do not live in my district or in my State to think that it is a State reservation or that it is a preserve or reservation set apart by some rich landlord years ago, but that when it is mentioned as a national park the people of this Nation will know that it belongs to them.

It does not carry one dollar of appropriation. We ask only for the change of the name from "reservation" to that of "national park." We do not want people to believe, as I said the other day, that this is a place where there are a few digger Indians squatted around. There has grown up around these wonderful healing waters a beautiful city of some 15,000 people, and there are churches and schoolhouses, law and order, and it is one of the most beautifully erected little cities in all this

country. There is located there our Army and Navy Hospital. The Hot Springs is visited annually by thousands of the afflicted, the crippled, and wounded of this Nation. Our ex-service men, many of them who have rheumatism and other afflictions caused by exposure in the World War, are there today. Now, I ask that the House afford the people of Hot Springs this rightful favor, which is only to change the name from "the Hot Springs Reservation" to that of "the Hot Springs National Park."

Mr. Speaker, I move to reconsider the vote.

The SPEAKER. The gentleman moves to reconsider the vote by which the House insisted on its disagreement.

The motion was agreed to.

Mr. TAYLOR of Arkansas. I move now as a preferential motion that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment No. 136: Page 161, line 22, insert: "Saratoga (Wyoming) fish hatchery: For construction of quarters for employees, and for establishment and equipment of auxiliary station at Sage Creek, \$11,250."

Mr. GOOD. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Iowa moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

In lieu of the sum named in said amendment, insert "\$10,000."

The SPEAKER. The question is on agreeing to the motion. The motion was agreed to.

The Clerk reported the following amendment:

Amendment No. 137: Page 162, line 9, insert: "For refund to Falk Schimmer of \$170.50 deposited with the commissioner of immigration, Ellis Island, N. Y., in behalf of his two daughters, Malke and Eidel Schimmer, said sum having been erroneously covered into the Treasury Department to the credit of miscellaneous receipts, \$170.50."

Mr. GOOD. Mr. Speaker, I move that the House recede and concur in Senate amendment 137.

The motion was agreed to.

The Clerk reported the following amendment:

Amendment No. 138: Page 162, line 15, insert: "For refund of immigration fine erroneously assessed and collected from N. Galanos & Co., agents National Steam Navigation Co. of Greece, \$240."

Mr. GOOD. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The Clerk reported the following amendment:

Amendment No. 143: Page 166, line 8, insert:

#### "EMPLOYMENT SERVICE."

"To enable the Secretary of Labor to foster, promote, to develop the welfare of the wage earners of the United States, to improve their working conditions, to advance their opportunities for profitable employment by maintaining a national system of employment offices, and to coordinate the public employment offices throughout the country by furnishing and publishing information as to opportunities for employment and by maintaining a system for clearing labor between the several States, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; supplies and equipment, telegraph and telephone service, and printing and binding, \$225,000."

Mr. GOOD. Mr. Speaker, I move to recede and concur in Senate amendment 143.

The SPEAKER. The gentleman from Iowa moves to recede and concur in the Senate amendment.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 54, noes 2.

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of no quorum, and evidently no quorum is present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. Those in favor of the motion to recede and concur will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 297, nays 6, not voting 125, as follows:

#### YEAS—297.

Ackerman	Bankhead	Bland, Mo.	Buchanan
Almon	Barbour	Bland, Va.	Burdick
Anderson	Barkley	Bowers	Burke
Andrews, Md.	Bee	Bowling	Burroughs
Andrews, Nebr.	Begg	Box	Butler
Anthony	Bell	Brand	Byrnes, S. C.
Ashbrook	Benham	Briggs	Byrns, Tenn.
Aswell	Benson	Brinson	Campbell, Kans.
Ayres	Black	Brooks, Pa.	Campbell, Pa.
Babka	Bland, Ind.	Browne	Candler



Cannon	Hardy, Colo.	McLeod	Sherwood
Cantrill	Hardy, Tex.	McPherson	Shreve
Caraway	Haugen	Madden	Siegel
Carss	Hawley	Magee	Sinclair
Carter	Hayden	Major	Sinnot
Chindblom	Hays	Mansfield	Sisson
Christopherson	Hernandez	Mapes	Slemp
Clark, Fla.	Hersey	Martin	Small
Cleary	Hersman	Mays	Smith, Idaho
Coady	Hickey	Mead	Smith, Ill.
Cole	Hicks	Michener	Smith, Mich.
Collier	Hoch	Miller	Smithwick
Connally	Holland	Milligan	Snyder
Cooper	Howard	Minahan, N. J.	Steagall
Crago	Huddleston	Monahan, Wis.	Stedman
Cramton	Hull, Iowa	Mondell	Steenerson
Crisp	Hull, Tenn.	Montague	Stephens, Miss.
Cullen	Hutchinson	Moore, Ohio	Stephens, Ohio
Currie, Mich.	Igoe	Moore, Va.	Stevenson
Dallinger	Ireland	Mott	Strong, Kans.
Darrow	Jacoway	Mudd	Strong, Pa.
Davis, Minn.	James, Va.	Murphy	Summers, Wash.
Davis, Tenn.	Jeffers	Neely	Sweet
Dempsey	Johnson, Miss.	Nelson, Mo.	Swindall
Dewalt	Johnson, Wash.	Newton, Minn.	Swope
Dickinson, Iowa	Jones, Pa.	Ogden	Tague
Dickinson, Mo.	Juhl	Oldfield	Taylor, Ark.
Dominick	Kearns	Oliver	Taylor, Tenn.
Doremus	Keller	Olney	Temple
Dowell	Kelley, Mich.	Osborne	Thompson
Drane	Kelly, Pa.	Overstreet	Tillman
Drewry	Kennedy, R. I.	Padgett	Tilson
Dyer	Kiess	Paige	Timberlake
Eagan	Kincheloe	Park	Tincher
Eagle	King	Parrish	Tinkham
Edmonds	Kinkaid	Periman	Towner
Elliott	Klecza	Peters	Treadway
Emerson	Knutson	Pou	Upshaw
Evans, Mont.	Kraus	Purnell	Valle
Evans, Nebr.	Kreider	Quin	Vinson
Fairfield	Lampert	Radcliffe	Volk
Fess	Langley	Raker	Volstead
Fields	Lanham	Ramseyer	Ward
Fish	Lankford	Randall, Calif.	Watson
Fisher	Larsen	Randall, Wis.	Watson
Flood	Layton	Reber	Weaver
Focht	Lazaro	Reed, W. Va.	Webster
Fordney	Lee, Ga.	Rhodes	Welling
Foster	Leibach	Ricketts	Whaley
Frear	Leshar	Riddick	Wheeler
Freeman	Lithicum	Robinson, N. C.	White, Kans.
French	Little	Robson, Ky.	White, Me.
Fuller	Longworth	Rodenberg	Williams
Gallivan	Luce	Rogers	Wilson, La.
Gandy	Lubring	Romjue	Wingo
Ganly	McArthur	Rose	Woods, Va.
Gard	McClintic	Rouse	Woodyard
Garrett	McCulloch	Rowe	Wright
Godwin, N. C.	McDuffie	Rucker	Yates
Good	McFadden	Sabath	Young, N. Dak.
Goodykoontz	McGlennon	Sanders, Ind.	Young, Tex.
Graham, Ill.	McKenzie	Sanders, La.	Zihman
Greene, Mass.	McLane	Schall	
Griest	McLaughlin, Mich.	Scott	
Hasley	McLaughlin, Nebr.	Sells	

## NAYS—6.

Blanton	Jones, Tex.	Snell	Walsh
Greene, Vt.	Rayburn		

## NOT VOTING—125.

Bacharach	Garner	Lufkin	Reed, N. Y.
Baer	Glynn	McAndrews	Riordan
Boies	Goldfogle	McKeown	Rowan
Britten	Goodall	McKinley	Ruby
Brooks, Ill.	Goodwin, Ark.	MacGregor	Sanders, N. Y.
Brumbaugh	Gould	Maher	Sanford
Caldwell	Graham, Pa.	Mann, Ill.	Scully
Carew	Green, Iowa	Mann, S. C.	Sears
Casey	Griffin	Mason	Sims
Clark, Mo.	Hamill	Merritt	Smith, N. Y.
Classon	Hamilton	Moon	Steele
Copley	Harrell	Mooney	Stiness
Costello	Harrison	Moore, Ind.	Stoll
Crowther	Hastings	Morin	Sullivan
Curry, Calif.	Hill	Nelson, Wis.	Sumners, Tex.
Dale	Hoey	Newton, Mo.	Taylor, Colo.
Davey	Houghton	Nicholls	Thomas
Denison	Hudspeth	Nolan	Vare
Dent	Hulings	O'Connell	Venable
Donovan	Humphreys	O'Connor	Vestal
Dooling	Husted	Parker	Voigt
Doughton	James, Mich.	Patterson	Walters
Dunbar	Johnson, Ky.	Pell	Watkins
Dunn	Johnson, S. Dak.	Phelan	Welty
Dupré	Johnson, N. Y.	Porter	Wilson, Ill.
Echols	Kahn	Rainey, Ala.	Wilson, Pa.
Ellsworth	Kendall	Rainey, Henry T.	Winslow
Elston	Kennedy, Iowa	Rainey, John W.	Wise
Esch	Kettner	Ramsey	Wood, Ind.
Evans, Nev.	Kitchin	Ransley	
Ferris	Lea, Calif.	Reavis	
Gallagher	Loneragan		

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:  
 Mr. DUNN with Mr. CLARK of Missouri.  
 Mr. BRITTEN with Mr. KITCHIN.  
 Mr. HAMILTON with Mr. GARNER.  
 Mr. McKINLEY with Mr. RUBEY.  
 Mr. WALTERS with Mr. JOHN W. RAINEY.

Mr. VARE with Mr. GOODWIN of Arkansas.  
 Mr. COSTELLO with Mr. SEARS.  
 Mr. BACHARACH with Mr. DOUGHTON.  
 Mr. BAER with Mr. MOON.  
 Mr. KAHN with Mr. DENT.  
 Mr. HARRELD with Mr. FERRIS.  
 Mr. CROWTHER with Mr. HUMPHREYS.  
 Mr. SANDERS of New York with Mr. O'CONNOR.  
 Mr. DENISON with Mr. VENABLE.  
 Mr. WOOD of Indiana with Mr. KETTNER.  
 Mr. BOISE with Mr. HASTINGS.  
 Mr. KENNEDY of Iowa with Mr. CALDWELL.  
 Mr. CLASSON with Mr. DAVEY.  
 Mr. ELLSWORTH with Mr. PHELAN.  
 Mr. NELSON of Wisconsin with Mr. WILSON of Pennsylvania.  
 Mr. SANFORD with Mr. DUPRE.  
 Mr. BROOKS of Illinois with Mr. SIMS.  
 Mr. RAMSEY with Mr. WELTY.  
 Mr. WINSLOW with Mr. MAHER.  
 Mr. GOODALL with Mr. JOHNSON of Kentucky.  
 Mr. CURRY of California with Mr. HUDSPETH.  
 Mr. GRAHAM of Pennsylvania with Mr. STEELE.  
 Mr. WILSON of Illinois with Mr. O'CONNELL.  
 Mr. MASON with Mr. TAYLOR of Colorado.  
 Mr. VESTAL with Mr. RIORDAN.  
 Mr. NOLAN with Mr. SMITH of New York.  
 Mr. DALE with Mr. McANDREWS.  
 Mr. JAMES of Michigan with Mr. STOLL.  
 Mr. VOIGT with Mr. GALLAGHER.  
 Mr. COPLEY with Mr. GOLDFOGLE.  
 Mr. REAVIS with Mr. HENRY T. RAINEY.  
 Mr. MACGREGOR with Mr. LEA of California.  
 Mr. HUSTED with Mr. ROWAN.  
 Mr. PATTERSON with Mr. MANN of South Carolina.  
 Mr. STINESS with Mr. SULLIVAN.  
 Mr. PORTER with Mr. McKEOWN.  
 Mr. DUNBAR with Mr. WATKINS.  
 Mr. MANN of Illinois with Mr. SUMNERS of Texas.  
 Mr. MORIN with Mr. THOMAS.  
 Mr. ECHOLS with Mr. CAREW.  
 Mr. MOORES of Indiana with Mr. PELL.  
 Mr. RANSLEY with Mr. DONOVAN.  
 Mr. GREEN of Iowa with Mr. CASEY.  
 Mr. ESCH with Mr. HARRISON.  
 Mr. PARKER with Mr. WISE.  
 Mr. NEWTON of Missouri with Mr. McKINIRY.  
 Mr. GOULD with Mr. EVANS of Nevada.  
 Mr. HILL with Mr. BRUMBAUGH.  
 Mr. GLYNN with Mr. MOONEY.  
 Mr. MERRITT with Mr. GRIFFIN.  
 Mr. HOUGHTON with Mr. SCULLY.  
 Mr. REED of New York with Mr. HOEY.  
 Mr. LUFKIN with Mr. DOOLING.  
 Mr. KENDALL with Mr. NICHOLLS.  
 Mr. HULINGS with Mr. LONERGAN.  
 Mr. JOHNSON of South Dakota with Mr. RAINEY of Alabama.

The result of the vote was announced as above recorded.  
 The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 149: Page 170, line 18, after the word "Capitol," strike out "\$2,500" and insert in lieu thereof "\$3,000."

Mr. GOOD. Mr. Speaker, I move to recede and concur in amendment 149.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.  
 The Clerk read as follows:

Amendment No. 150: Page 171, line 3, strike out "\$148,590" and insert "\$149,090."

Mr. GOOD. I move to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.  
 The Clerk read as follows:

Amendment No. 151: Page 173, line 4, strike out "\$6,286,890" and insert in lieu thereof "\$5,826,390."

Mr. GOOD. I move to recede and concur. That is a question of correcting totals.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.  
 The Clerk read as follows:

Amendment No. 152: Page 173, line 20, after the word "sum," strike out the figures "\$7,348,700" and insert in lieu thereof "\$6,888,700."

Mr. GOOD. I move to recede and concur. That is a question of totals.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment No. 167: Page 186, insert at the top of the page: "To enable the President to cause an investigation to be made as to the petroleum resources and the production of petroleum in other countries, \$35,000."

Mr. GOOD. I move to recede and concur in Senate amendment 167.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment 168: Page 186, after line 18, insert: "Sec. 3. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until December 1, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued."

Mr. GOOD. Mr. Speaker, I move to recede and concur in Senate amendment numbered 168.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. GOOD. I yield to the gentleman from Massachusetts.

Mr. WALSH. I should like to ask the gentleman why this is carried until December 1, 1921? Why should not these matters be clipped off on the 1st of July, at the beginning of the new fiscal year?

Mr. GOOD. They will be clipped off on the 1st of July unless we carry this provision. Under the law no publication, journal, or magazine which is now being published by a department or establishment of the Government at the discretion of the head of any such department can be published or the expenses for publishing it paid out of the appropriation unless we extend the law and grant that privilege. I understand it is proposed to bring in some kind of a law legalizing the publications that can be published and paid for out of public funds before the 1st day of December next.

Mr. WALSH. We have a printing bill pending yonder.

Mr. JOHNSON of Washington. They have the House end of the printing bill over there, but not the entire printing reform bill. They have half of it, half passed.

Mr. WALSH. Half of it, half passed?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. The gentleman knows that if we vest this discretion in the heads of these departments, nearly all these journals, magazines, periodicals, tracts, bulletins, flimsies, and various other publications will be continued, because you give them the discretion to publish them and they will publish them. That is how they got started publishing them. It was because they had a little discretion as to what to do with the money that they began piling up the printed matter, some of which is very valuable and some of which is worthless and very seldom read.

Mr. GREENE of Vermont. The gentleman does not mean that they had a little discretion. He means they had not any, and they did print these things. [Laughter.]

Mr. WALSH. They had a small supply of discretion, which they converted into a surplus of indiscretion.

Mr. SNELL. And a large amount of printed matter.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WALSH. I yield to the distinguished member of the Printing Committee.

Mr. JOHNSON of Washington. Has anyone seen the Christmas cards sent out by a branch of the War Department under the guise of enlistment blanks?

Mr. WALSH. I am not surprised that any department of the Government should be sending out Christmas cards, because it has become the fashion not only at Christmastide but at other seasons of the year to consider Uncle Sam as a very good-natured Santa Claus. [Laughter.]

Mr. GREENE of Vermont. Has the gentleman seen the Agricultural Almanac?

Mr. WALSH. I have secured all the information I desire about this.

Mr. TILSON. I should like to know whether or not, if this amendment goes into effect, the gentleman anticipates another crop of lobbyists and another lot of propaganda to convince Congress that each one of these publications ought to be continued? Are we not going to have Congress deluged with all sorts of requests for each one of them, with the usual claim that the very safety of the Nation itself depends upon each several one of these publications being continued?

Mr. JOHNSON of Washington. They are all over before the Senate Committee on Printing doing that now.

Mr. TILSON. This is what we are going to have brought down upon us if we agree to this amendment; and, judging by some things that we do here, I fear that we shall give the

authority desired and that as a result we shall continue to print all sorts of things in the future, as we have been doing in the past.

Mr. GREENE of Vermont. If the gentleman will permit me, they are distributing the Agricultural Almanac; and that is so unreliable that there was nothing in it under the month of last November warning anyone to look out for frosts or anything of that kind. [Laughter.]

Mr. GOOD. I move to recede and concur in Senate amendment 168.

The motion was agreed to.

#### CONTESTED-ELECTION CASE—BODENSTAB AGAINST BERGER.

Mr. DALLINGER. Mr. Speaker, I call up the contested-election case of Bodensstab against Berger, and I move the adoption of the resolution (H. Res. 696).

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That Henry H. Bodensstab, not having received a plurality of the votes cast for Representative in this House from the fifth congressional district of Wisconsin, is not entitled to a seat therein as such Representative.

Mr. DALLINGER. Mr. Speaker, this is a contest brought by the contestant, Henry H. Bodensstab, claiming that he is entitled to the seat from the fifth congressional district of the State of Wisconsin. The only question that is involved is the question of whether the contestant is entitled to the seat. The other question of the right of Victor L. Berger to the seat has already been passed upon by this House in this Congress.

At the regular election in 1918 Victor L. Berger was the Socialist candidate and Joseph P. Carney was the Democratic candidate. Immediately following the reference of the question of the eligibility of Victor L. Berger to a special committee the contested-election case of Carney against Berger was referred to the Committee on Elections No. 1. The special committee, as the House will remember, reported that Victor L. Berger was not entitled to the seat. This resolution is printed at the bottom of page 1 of this report, where the whole history of this matter is summarized for the information of the House.

In other words, on November 10, 1919, the House passed a resolution by a vote of 311 to 1 that Victor L. Berger was "not entitled to take the oath of office as a Representative in this House from the fifth congressional district of the State of Wisconsin or to hold a seat therein as such Representative."

On the same day the House unanimously adopted a resolution recommended by the committee "that Joseph P. Carney, not having received a plurality of the votes cast for Representative in this House from the fifth congressional district of the State of Wisconsin, is not entitled to a seat therein as such Representative." By another resolution the Speaker was directed to notify the governor of Wisconsin "that a vacancy exists in the representation in this House from the fifth congressional district of Wisconsin."

In that case Joseph P. Carney, the Democratic contestant, claimed in that case that because he received the next highest number of votes he was entitled to a seat, the contestee, Berger, having been declared ineligible. The committee, however, took the other view of it, and the committee was unanimously sustained by the House.

A special election was held in the fifth Wisconsin district on December 19, 1919, and at that election Victor L. Berger was the Socialist candidate and Henry H. Bodensstab, a Republican, ran as the fusion candidate, having been endorsed by the Democratic organization of the district. When the contestee, Victor L. Berger, who had received a certificate of election from the governor of Wisconsin, appeared to take the oath of office on January 10, 1920, the House of Representatives of this present Congress adopted a resolution on a roll call by a vote of 330 to 6, which resolution is printed in full on pages 2 and 3 of our report, and declares that Victor Berger is constitutionally ineligible to a seat in this House. So the question of his eligibility and his right as the contestee to a seat has already been passed upon by this House and the time for reconsideration has long ago expired. The present case, therefore, involves simply the contention of Henry H. Bodensstab, the opposing candidate at the special election held on December 19, 1919, that he is entitled to the seat made vacant by the ineligibility of Victor L. Berger.

Mr. Speaker, it is my desire to state this case with absolute fairness. It is true that the fact of Berger's ineligibility was better known to the voters at the special election than it was at the regular election in 1918, when Joseph P. Carney, the Democratic candidate, was the contestant. At the regular election in 1918 Victor L. Berger had been indicted by the grand jury for a violation of the espionage act, but he had not been convicted, and the question of his eligibility had not been passed



upon at that time by the House of Representatives. On the other hand, at the special election held on December 19, 1919, every voter in the fifth congressional district of Wisconsin knew not only that Victor L. Berger had been convicted of the crime for which he had been previously indicted but also knew that he had been declared by an almost unanimous vote of the House of Representatives to be ineligible to the office of a Representative in Congress under the provisions of the fourteenth amendment to the Constitution of the United States.

Now, it is true that it has been the parliamentary practice in England, under the English statutes, that where the fact of the ineligibility of a candidate is known to the voters and brought to their attention, the candidate having the next highest number of votes is given the seat. That is the English rule. There are two States in this Union where the courts of last resort have adopted the English rule. One of them is the State of Wisconsin. In the case of Bancroft against Frear, which was discussed in our report in the case of Carney against Berger and also in this report, where at a primary election the candidate for attorney general who received the highest number of votes had died previous to the primary election, and the fact of his death was known to the voters, and in spite of that fact a plurality of the votes cast for the office of attorney general on the Republican primary ballot were cast for him, the Supreme Court of Wisconsin held, by a vote of 4 to 3, overruling all their previous decisions, that the next highest candidate should be entitled to be placed on the official ballot as the Republican candidate for attorney general.

Indiana has also adopted the English rule, but Congress has always consistently from the beginning to the present time refused to adopt the English rule. The question has come up and has been discussed on numerous occasions in connection with various contested-election cases. The most exhaustive discussion, perhaps, was in the case of Smith against Brown, in the Fortieth Congress; and, without wearying the patience of the Members of this House, I desire to call the attention of Members to a quotation from the case of Smith against Brown, on page 6 of our report, in which the principle at the basis of this uniform congressional precedent is well set forth. The committee in that report said:

As Congress, much less the House of Representatives, never conceded—never having the power to concede—to a voter his right to the ballot, neither can it take away, modify, or limit it. Least of all can this body—the House alone—punish a voter for “obstinacy” or “perversity” in the exercise of his right. It can not touch a voter or prescribe how he shall vote, nor can it impose a penalty on him, much less disfranchise him or say what shall be the effect or the power of his ballot if it be cast in a particular way. The laws of the States determine this.

As has been shown, Parliament did enact a law that votes cast for one ineligible shall be treated as not cast, and one having a minority of the votes be thus elected. But neither has Congress nor Kentucky enacted any such law; much less can this House alone by a resolution set it up, and that, too, after the fact, as a punishment for “willful obstinacy and misconduct.” The right of representation is a sacred right which can not be taken away from the majority.

And I want to call the attention of the House here to how absolutely the following sentence applies to this present case:

That majority by perversely persisting in casting its vote for one ineligible can lose its representation—

And that is what has happened in this case; there has been a vacancy in that district—

but never the right to representation while the Constitution and State governments shall endure.

In other words, the position taken by this House has been that if the people of that congressional district in Wisconsin should persist in sending a man here who is ineligible under the Constitution we will not seat him, but we will also refuse to seat a man who is not the choice of that district, and you can see how the English rule, if adopted, might work by taking an extreme case. Let us suppose, for instance, as frequently happens, that a man should come here elected as the nominee of both the two great political parties, having received both nominations. Suppose the only votes cast against him were a few scattered votes—say, 10 in number. Suppose he did not possess the constitutional qualifications, that he was under 25 years of age, was not a citizen, had not been a resident of the State, or had given aid and comfort to the enemies of the United States after taking oath as a Member of Congress. Under these circumstances we could not seat him under our oaths to support the Constitution of the United States. If the rule contended for by counsel for Mr. Carney, and by counsel for Mr. Bodensab, should be adopted by this House it would seat the man who had only 10 votes out of a total vote of perhaps 75,000 or 100,000 from that district. Congress has wisely refused to follow the English rule, and so your committee has treated this Republican contestant exactly as they treated the

Democratic contestant, Mr. Carney, and have brought in a resolution in identically the same language—

*Resolved*, That Henry H. Bodensab, not having received a plurality of the votes cast for Representative in this House from the fifth congressional district of Wisconsin, is not entitled to a seat therein as such Representative.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. MANN of Illinois. Is the English rule a result of an act of Parliament? In case of Smith against Brown there is a reference there that would warrant the conclusion that apparently it is the result of Parliament enacting a law.

Mr. DALLINGER. It is an act of Parliament, I would say, and there is a provision made for publication, so that the voters shall know that the man is ineligible.

Mr. MANN of Illinois. We have no such statute.

Mr. DALLINGER. No.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. GARRETT. England has no constitution in the sense that we have. Does not that make all the difference in the world? We are restrained or limited by a written Constitution, and England is not.

Mr. DALLINGER. That is true.

Mr. GARRETT. That is an act of Parliament, but that act of Parliament can be repealed at any time. We ought not to get away from the Constitution.

Mr. DALLINGER. I may say to the gentleman that the Supreme Court of Wisconsin and the Supreme Court of Indiana, in the absence of any such statute, have nevertheless in their decisions adopted the English rule.

Mr. GARRETT. But there is another provision of the Constitution of the United States, and that is that Congress is the judge of the qualifications and election of its Members.

Mr. DALLINGER. Certainly; and this is an attempt I may say to have Congress adopt the English system as a precedent, in other words to establish a precedent which Congress has always in the past refused to establish.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. TOWNER. I might make a suggestion in that connection that every act of Parliament has an equal validity and force in Great Britain that our own Constitution has. In other words, not having a written constitution, the acts of Parliament are supreme. However, I agree with the gentleman from Tennessee [Mr. GARRETT] that whatever may be the condition that exists, our action is governed by the Constitution, which says that we have the supreme right and power to determine the eligibility of those persons who are claiming to have been elected Members of this body.

Mr. PELL. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. PELL. I understand that this act of Parliament was passed just after they seated Col. Luttrell in the Wilkes fight in England; that that made such trouble in attempting to seat the candidate of the minority that this law had to be passed instantly to make the conditions uniform. Is not that so?

Mr. DALLINGER. I understand that to be the fact.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. GARD. I am interested in having the gentleman's well-considered information on the phrase contained in the report of the committee in respect to previous contests, as is disclosed on page 6. In the latter part of the quotation there I find the following:

That majority by perversely persisting in casting its vote for one ineligible can lose its representation, but never the right to representation while the Constitution and the State governments shall endure.

In reading the report I find that the gentleman's committee states that the additional fact that the voters of this Wisconsin district had knowledge of the ineligibility of Mr. Berger, and still, notwithstanding that, continued to vote for him, did not present any additional fact why the committee should find in favor of this contestant.

Mr. DALLINGER. No; it is simply a stronger case under the English rule.

Mr. GARD. What I am trying to get is the gentleman's opinion for my own information only. What is meant by the phrase:

But never the right to representation while the Constitution and the State governments shall endure.

Mr. DALLINGER. What I think it means is that while Congress under the Constitution is not obliged to seat an in-

eligible person, as long as the people of a district persist in electing an ineligible person, Congress can refuse the right of that person to a seat in the House, but the House can not dictate whom they shall choose, which we would do if we seated the man who has a minority of the votes, under any such precedent as is sought to be established.

Mr. GARD. The phrase—

but never the right to representation—

is the phrase I am seeking information about.

Mr. DALLINGER. They could have a new election, just as was done here—a special election. A special election was called and they still persisted in electing the same man. The result was that when the matter again came before the House, and without any further reference to a committee, the House refused to seat that man because they had already found that he was ineligible under the Constitution.

Mr. GARD. The gentleman's idea is that the right of representation is protected by the fact of the ability to call another election and elect a suitable man?

Mr. DALLINGER. Certainly.

Mr. FESS. Will the gentleman yield?

Mr. DALLINGER. I will.

Mr. FESS. I understand the position of the committee is that the representation of the fifth district is not denied by act of Congress, but simply a man's ineligibility to a seat here was pronounced before the election, and the conduct of the electors there is responsible for their not having representation?

Mr. DALLINGER. Absolutely. They can be represented here at any time if they choose to send a person who is eligible.

Mr. FESS. Correct; and it is not the act of Congress which denies it.

Mr. DALLINGER. No; it is the Constitution of the United States.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. KEARNS. I see both in the majority and minority reports on this case that the statement is made that if the candidate is ineligible—disqualified for any reason—and this fact is known to the electors, it is one of the controlling features. Say 75,000 men and women voted for a particular candidate for Congress, how would your committee be able to determine—I am asking this for your information—that those 75,000 voters knew of this disqualification? It is a pretty big undertaking for you to determine; and how would you determine it?

Mr. DALLINGER. It certainly would be a difficult task in some cases.

Mr. KEARNS. The reason I ask this question is that I see both the majority and the minority report state that as one of the controlling features.

Mr. DALLINGER. I would say it would ordinarily be very difficult. I intend to yield to my colleague [Mr. RANDALL of Wisconsin], who has offered a minority report, and he will—

Mr. KEARNS. He emphasizes that phrase also and makes that one condition necessary—

Mr. DALLINGER. That is under the English rule.

Mr. KEARNS. But under your rule you put it in as one of the conditions, and I wondered—

Mr. DALLINGER. Because it is one of the conditions, I may say to the gentleman from Ohio, precedent to the English rule.

Mr. KEARNS. It is one of the conditions precedent you make here, at least the gentleman has embodied it in his report and says that if this disqualification was known to the people, and in this case you say it was known, now I just wondered how you know that.

Mr. MADDEN. I think it would be very easy.

Mr. DALLINGER. I will say to the gentleman from Ohio—

Mr. KEARNS. The gentleman from Illinois does not know that.

Mr. MADDEN. I do.

Mr. KEARNS. I am talking about a matter of proof. I know that the general opinion would be that men and women did know it, but I am asking now as a matter of proof.

Mr. MADDEN. If the notice is sent to the governor that there is a vacancy, that is proof.

Mr. ROSE. Will the gentleman permit me to answer the question?

Mr. DALLINGER. Certainly.

Mr. ROSE. This is a matter—

Mr. KEARNS. I would like to know.

Mr. ROSE. At the time this was heard before the committee this very question the gentleman has raised was already before the committee. We took the ground that with the refusal of this Congress to seat Mr. Berger and the fact that that congressional district was flooded with big posters show-

ing Victor L. Berger was again a candidate, it was known all over that district that Victor L. Berger had been indicted and actually convicted, there was no committee having such knowledge that would not take judicial notice that the Wisconsin district from which he came absolutely knew that Victor L. Berger was not entitled to a seat in this House.

Mr. KEARNS. I believe that fully answers my question.

Mr. MADDEN. When notice was sent to the governor that there was a vacancy it was further notice.

Mr. ROSE. Certainly; and the committee considered all of that, and I have no doubt it will be taken up again in the minority report.

Mr. KEARNS. But that is the fact.

Mr. ROSE. Those are the facts.

Mr. DALLINGER. I will state to the gentleman from Ohio that in order to be perfectly fair to our colleague who signed the minority report we wanted to state the facts exactly as they were, and our position is that assuming that the voters did know of the ineligibility that furnishes no reason whatever why Congress should adopt this English procedure.

Mr. KEARNS. This Berger case was a very notorious case, and consequently would be known perhaps to a number of voters in that district, but suppose it had been the case of a nonresident. There would be no reason to advertise so thoroughly as this has been advertised in that district. Then how would you have proof that his nonresidence was known to the entire electorate of that district?

Mr. DALLINGER. I will state to the gentleman that it would be a question of fact for the Committee on Elections to determine, but in the case of Bancroft versus Frear the court held that the fact that the death of the deceased candidate for attorney general was published in the newspapers of the district was sufficient evidence of the fact that his decease was known to the electorate.

Mr. KEARNS. The decease in that instance occurred many days before the election.

Mr. DALLINGER. About a week, if I recollect correctly.

Mr. KEARNS. There has been a different holding entirely where the death occurred on election day, has there not?

Mr. DALLINGER. I understand so.

Mr. RANDALL of Wisconsin. The gentleman is entirely correct. Where the death occurs on the day of election or within a few days of election, it is held there would be no notice.

Mr. TOWNER. I would like to say that in either event the committee would be able to justify their conclusion because of this fact: If Victor Berger had a majority or plurality of the votes, then Mr. Bodenshtab did not, and was not elected, because he did not have a plurality of the vote. And if Victor Berger was not qualified, was not eligible, the same condition would exist, because then Mr. Bodenshtab did not have a majority or plurality of the votes. So, in either event, the conclusion of the committee must be the same.

Mr. DALLINGER. Mr. Speaker, I yield 20 minutes to my colleague, the gentleman from Wisconsin [Mr. RANDALL].

Mr. RANDALL of Wisconsin. Mr. Speaker and gentlemen of the House, I felt compelled in this particular case to file a dissenting view to the report of the majority, not because there was any disagreement as to the facts, but I did feel that I could not subscribe to the conclusions of law reached by the majority of the committee, due to the facts existing in this particular case.

As has been called to the attention of the House in the discussion here, the Constitution of the United States provides that "each House shall be the judge of the elections, returns, and qualifications of its own Members." The duty imposed upon the House when a question arises as to who is elected as a Representative is judicial in character, and therefore the determination of the House should be reached after a careful consideration of the evidence, the facts and the law applicable to the particular case, depending upon the precedents of the House as well as the decisions of the various courts. And it seems to me that the same consideration should be given to these things as is given by the judge upon the bench.

Now, under the so-called English rule, if the voters have actual or constructive notice of the ineligibility of the candidate, then the votes cast for such ineligible candidate are held to be thrown away, and the eligible candidate receiving the minority of the votes, is entitled to the election. The suggestion has been made that this is purely because of the declaration of Parliament. Now, in a discussion of a case of this kind, either by filing a report or upon the floor, it is impossible, and it would be wearisome to bring up all of the decisions, but a careful examination of the decisions brings this conclusion, that not only do the legislative decisions of Parliament declare this rule but



also the decisions of the courts of England and the decisions of the courts and of Parliament as well, as I understand them, are not based upon any declaration of Parliament. In other words the courts and the legislative authorities of England have unanimously held to this rule from the earliest time up to date.

Now, the rule that has been affirmed by the majority of the courts in the United States is that the majority or plurality of the votes cast at a popular election for a person ineligible to the office, for which such votes are cast, does not confer any right or title to the office upon such ineligible candidate. However, such votes will be effectual to prevent the election of an eligible candidate who received the next highest number of votes, in the absence of proof that the votes cast for the ineligible candidate were given by the electors with the full knowledge or notice, either actual or constructive, of his ineligibility or disqualification.

The question of whether or not the House of Representatives will follow this rule to the extent of holding that the votes cast for an ineligible candidate where the ineligibility is known to all the voters, will be held to be thrown away, and whether or not the minority candidate, being the eligible candidate, having received the next highest number of votes, will be seated, is a question that heretofore has never been presented to the House.

Now, the decision of the majority rests upon a number of cases that are cited in their report, and I want to just scan those cases very briefly. The case that is relied upon most is that of Smith against Brown, which was decided in the Fortieth Congress, and that was the case where the contestant claimed that the contestee had been guilty of disloyalty and was consequently ineligible. But I call your attention to the fact that the specific act of disloyalty was a letter written by the contestee to a newspaper in Louisville, Ky., in 1861, six years before the election. And it is manifest to everyone that the voters of that district could not have had notice of this act of disloyalty, even if it were proved. And so, after a full discussion of the facts in the case and an examination of the English authorities as well as the American authorities, the majority opinion decided that "the case did not come within the law of the British Parliament for want of a sufficient notice to the electors at the polls of an ineligibility known and fixed by law."

In the Kentucky case of McKee against Young, decided in the Fortieth Congress, the question of ineligibility was not an issue in the case at all, because, as the majority report and the minority view call attention to, the report was based upon entirely different grounds, namely, whether or not the contestee was actually elected. Then there came along another group of cases that may be called the "polygamy cases." One of them is Maxwell against Cannon, in the Forty-third Congress, where there is no proof that the voters knew of Cannon's disqualification, namely, that he was a polygamist, and the matter of notice to the electors of such ineligibility was not discussed in the opinion. In the Utah case of Campbell against Cannon, decided in the Forty-third Congress, the main point at issue was the status of a Delegate in reference to qualifications, and nowhere in the case is there any proof of notice to the electors of the ineligibility of Mr. Cannon, and there is no discussion of notice to the electors of such disqualification.

One other case is that of Lowry against White, decided in the Fiftieth Congress, where the only disqualification alleged was the fact that the candidate elected was not a citizen. And in this case a careful examination shows that there is no proof of, or discussion of, notice to the electors of the alleged ineligibility of the contestee.

Now, in the case that we are considering, it must be conceded by everybody that after the House of Representatives held Victor Berger to be ineligible, and also declared a vacancy and the governor of Wisconsin called a special election, that the calling of this election in itself was notice to all the voters of the fifth district of Wisconsin that Victor Berger was ineligible.

Not only that, but there was the further fact that Mr. Berger had been convicted at Chicago, and that conviction in itself was notice to the voters of the district that he was ineligible. Now, there are two States—

Mr. JOHNSON of Mississippi. Mr. Speaker, will the gentleman yield there?

Mr. RANDALL of Wisconsin. Yes.

Mr. JOHNSON of Mississippi. I do not wish to be understood as defending Mr. Berger, but does the gentleman mean to imply by his remarks that the conviction of Mr. Berger, while an appeal to the Supreme Court was pending, would ipso facto disqualify him from holding office?

Mr. RANDALL of Wisconsin. In answer I will say that until the appeal is decided the conviction stands as a verity.

Mr. JOHNSON of Mississippi. I beg to differ with the gentleman. You have a similar case pending now in the Newberry case. The courts have never held that that disqualifies a man. It acts as a supersedeas so long as an appeal is pending.

Mr. PELL. It makes a difference whether he is a Republican or a Socialist.

Mr. JOHNSON of Mississippi. I do not wish, however, to be understood as defending Mr. Berger.

Mr. RANDALL of Wisconsin. I can cite you decisions which show that such a state of facts creates an ineligibility.

Mr. JOHNSON of Mississippi. One other question along that line.

Mr. RANDALL of Wisconsin. Very well.

Mr. JOHNSON of Mississippi. The only authority that we have for unseating Mr. Berger is not the fact that he was convicted, but a constitutional prerogative given to us that we may judge of who shall sit or shall not sit, whether he is convicted or not.

Mr. RANDALL of Wisconsin. I understand that perfectly, and I think I have made the position clear that the House had declared him ineligible and the voters of the district had notice of that. But there was the further fact of his conviction.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. RANDALL of Wisconsin. Yes.

Mr. CHINDBLOM. I think the gentleman will agree that the courts have held repeatedly that the right of appeal, so called, is merely a privilege. The appeal is not a matter of right. The decision of a nisi prius court is the determination of the case. There may be the privilege of an appeal, but the original decision of a court having full jurisdiction was the termination of the case. When Mr. Berger was convicted he was convicted, but he had a further chance to go before an appellate court.

Mr. JOHNSON of Mississippi. So is the franchise a privilege, not a right. The man gets that privilege by compliance with certain laws. But that is not a right; it is a privilege.

Mr. DEWALT. Mr. Speaker, will the gentleman yield?

Mr. RANDALL of Wisconsin. Yes; I yield to the gentleman.

Mr. DEWALT. Am I correct about this—the fact of the trial and conviction of Mr. Victor Berger has nothing to do with this case?

Mr. RANDALL of Wisconsin. You are correct.

Mr. DEWALT. Second, it is a basic principle that all people are presumed to know the law. Is not that true?

Mr. RANDALL of Wisconsin. It is so declared.

Mr. DEWALT. Now, Congress passed a resolution which is a part of the law of the United States, and immediately upon its passage everybody in the State of Wisconsin, as well as everybody in the United States, is presumed to know that fact?

Mr. RANDALL of Wisconsin. I presume that is correct also.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. RANDALL of Wisconsin. Yes.

Mr. EMERSON. But if the higher court had determined that Mr. Berger was not guilty, Mr. Berger would be qualified?

Mr. CHINDBLOM. Not in the opinion of Congress.

Mr. EMERSON. Technically he would be qualified to sit in this House, so far as he was concerned.

Mr. RANDALL of Wisconsin. It would depend on the determination of Congress if he was qualified.

Mr. EMERSON. But it is not in our power to reject any man who was qualified at the time of his election.

Mr. PELL. Would you contend that Victor Berger was entitled to sit in Congress until this resolution was repealed, either by this or a future Congress?

Mr. RANDALL of Wisconsin. I do. The situation was this: The Congress having declared him ineligible because of the fact that he had given aid and comfort to the enemies of the country under the provisions of the fourteenth amendment that ineligibility never ceases until such ineligibility is removed by a vote of Congress.

Mr. PELL. But all that we said was that he was ineligible. Our resolution did not suggest any reason.

Mr. RANDALL of Wisconsin. Oh, yes. The resolution declared that he came within the provisions of the fourteenth amendment because he had taken the oath previously, and subsequent to taking the oath he had given aid and comfort to the enemy.

Now, gentlemen of the House, I do not wish to take up more of your time, except to call your attention to this, that, as I stated before, the question before you is entirely a new situation, because it is my belief that the Congress has never in any of the cases had a case where the ineligibility of the candidate was known to the voters.

It is true that in these opinions and in the opinions of many of the courts there is considerable obiter dicta and declara-

tions about what the law is, but it is a well-known fact that expressions of opinion that are unnecessary to the decision in the case in which they are made are merely expressions of opinion and are not law. They may be cited, of course, to argue and to prove your contention, but they are not binding as authority and are obiter dicta.

Now, after Victor Berger was barred from this House he went back to the people of the fifth Wisconsin district, and the issue was whether or not he was eligible to his seat in the House, and he made his campaign upon this basis, and the evidence and the testimony in the case shows that Mr. Bodenstab made the campaign upon the fact that Mr. Berger was ineligible to his seat in the House, so that the issue was very plain.

Now, I do not want to place myself in the position of not conceding that the majority have not the right to govern in this country, but I do take this position: That where the voters have notice of the ineligibility of the candidate they have no right to willfully go about to defeat the law of the land by electing a Member who is disqualified, and the voters of the fifth Wisconsin district knew at this special election that when they cast a vote for Victor Berger that if he received a majority of the votes to the Sixty-sixth Congress the Sixty-sixth Congress would certainly exclude him from membership in the House. Now, I want to read very briefly from just one opinion to show you the situation. It seems to me that the doctrine enunciated in Bancroft against Frear, a Wisconsin case, is entirely applicable to this one. Here is what the court said:

Elections are held for the purpose of selecting officers, not for the purpose of creating a vacancy to the end that the place may be filled by appointment or even by a new election. The function of the voter is to express an affirmative choice of some person; not to content himself with merely expressing his disapproval of certain candidates. If a vote for a man known by the voter to be dead can be counted, then a vote for a stick or a stone or for the "man in the moon," as said in the English case, should be counted. It is true that in this country the majority rules, but the majority should not pursue a policy of mere negation. If the majority should contumaciously persist in voting for candidates notoriously ineligible, it might not be possible to fill the office at all. The illustration may be somewhat far-fetched, but instances have occurred in England where an ineligible candidate for a member of Parliament received a majority of votes cast at election after election, and such occurrences are by no means impossible in this country.

Mr. JOHNSON of Mississippi. Will the gentleman yield? I am very much interested in this.

Mr. RANDALL of Wisconsin. I yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. That would be true in this case if Berger had been convicted and that conviction had been sustained by the United States Supreme Court. Then he would have been dead so far as his civil rights as a citizen were concerned—

Mr. RANDALL of Wisconsin. So far as the House of Representatives is concerned—

Mr. JOHNSON of Mississippi. Let me finish. And the House of Representatives would have been without authority to seat him, for the reason that the Constitution of the United States requires a man to be a citizen of the United States before he can be eligible as a Member here. He would have lost his citizenship by his conviction.

Mr. RANDALL of Wisconsin. But when the House of Representatives declined to give him a seat and declared him ineligible, he was legally dead so far as being eligible to be returned to the House of Representatives was concerned, unless the House of Representatives at some future time should grant to him a manifesto of freedom.

Mr. JOHNSON of Mississippi. Now, just one more question, and I will not interrupt the gentleman any more. The gentleman does not contend that the resolution that we passed here is law, does he?

Mr. RANDALL of Wisconsin. I certainly do.

Mr. JOHNSON of Mississippi. I think the gentleman is very much mistaken, because a law can not be enacted until it passes both Houses. What we passed here is a resolution affecting the right of a man to a seat in this House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DALLINGER. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has 10 minutes.

Mr. DALLINGER. I yield three minutes more to the gentleman from Wisconsin.

Mr. FREAR. Will the gentleman yield?

Mr. RANDALL of Wisconsin. I yield.

Mr. FREAR. A very important question was raised by the case cited by the gentleman, which question was never determined by the Supreme Court of Wisconsin, and I ask the gentleman's opinion on that. Of course, in the case of Tucker, who committed suicide, there was no question but what the people

knew it and voted for him intelligently, and the court felt that it was a travesty to canvass that vote. But what would be the situation if only 100 votes had been cast for Bancroft? That is, a scattering and immaterial vote. Would the same theory hold good; the man receiving the majority having died or ceased to be eligible, would the minority candidate, who was in such a hopeless minority, be entitled to take the place?

Mr. RANDALL of Wisconsin. I take this position, that where the ineligibility is notorious, and it must be held that the voters had actual notice of that ineligibility, the size of the vote cuts no figure, because if the majority, knowing the ineligibility, who choose to vote for an ineligible candidate, are in the same position as voters who remain at home. If they will not cast votes that can be counted, then they are in no position to complain that those who go to the polls and vote for an eligible candidate decide the election.

Mr. FREAR. Then a candidate receiving scattering votes would be entitled to the seat if he had the largest number of scattering votes, and if he was eligible?

Mr. RANDALL of Wisconsin. Provided, of course, that there is actual or constructive notice of the ineligibility of the other candidate.

Mr. FREAR. That is conceded. The Supreme Court did not pass on that.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. RANDALL of Wisconsin. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. Would not the gentleman be driven to admit that a man receiving only one vote would be entitled to the seat if the other man was assumed to be ineligible?

Mr. RANDALL of Wisconsin. The gentleman understands from his experience that there are many election precincts and many elections where only a very small minority of the voters go to the polls, and so I say that trying to reduce it to the irreducible minimum of one vote makes no difference with the principle involved.

Mr. MOORE of Virginia. If I may say so to the gentleman, it strikes me as rather astonishing that we should be put in the position that his reasoning could bring him to the conclusion that it might be possible for one voter to select a Representative in Congress.

Mr. CHINDBLOM. If the gentleman will yield, we had a case in Chicago where I think 50 votes elected a man to the bench as a judge. In a large election he was the only man who got any votes.

Mr. MOORE of Virginia. What was in my mind—

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. DALLINGER. I understand I have six minutes remaining.

The SPEAKER pro tempore. Seven minutes.

Mr. DALLINGER. I yield six minutes to the gentleman from Pennsylvania [Mr. ROSE].

Mr. ROSE. Mr. Speaker and gentlemen of the House, I was convinced at the conclusion of the hearing before our committee in the contested-election case of Bodenstab against Berger, that it would take up considerable time in this House when the matter was brought before you for determination. The gentleman from Wisconsin [Mr. RANDALL] has presented a minority report which to my mind considers every question in the contest which was raised before the committee during the hearing of the case, and has brought to our attention certain matters that should be carefully considered. The claim is made that the matters submitted in the minority views have never been squarely before the House; with this view I can not agree. I might say that the committee is in entire accord as to the returns made by the several election boards, but the majority of the committee is not willing to recommend the setting aside of the long-established rule of the House.

I want to say that every question the gentleman has raised in the minority views, which accompanies this report, has been considered by the House, and especially were the matters raised by him disposed of in the former election contest in which Victor L. Berger figured. The gentleman from Wisconsin [Mr. RANDALL] deserves the gratitude of the House for the very able report he has filed in this case, and wherein are the reasons upon which he bases his claim for the seating of Mr. Bodenstab as a Member of the House. The whole ground upon which he raises his contention is the fact that the voters of the fifth Wisconsin district knew at the time of the election last November that Victor L. Berger was ineligible to a seat in this House and that, therefore, it was the duty of your committee to punish the voters of the fifth Wisconsin district by setting aside all of the votes cast for Victor L. Berger and recommending the election of Bodenstab, notwithstanding the fact that no



claim was made before the committee that there was fraud committed at the election. The election officers performed their duties and there was no charge of fraud against the electors themselves. We are now asked to follow the English rule and seat a man who did not receive a majority of the votes cast, there being but two candidates voted for at the election in November, 1920, in the fifth congressional district of Wisconsin.

We have before us the action by the House in the contested-election case of Carney against Berger, and it will be remembered that notwithstanding the fact that Mr. Berger received a plurality of the votes cast in which Mr. Carney was a candidate, that the House refused to seat Mr. Berger and also denied the right of Mr. Carney to be seated as a Member of the House. This House never has, and in my opinion never will, adopt the English rule, and your committee has followed the long line of precedents in the present case and have recommended that Mr. Bodensstab be denied the right to a seat in the House.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. ROSE. I will.

Mr. DAVIS of Tennessee. Is it not a fact that in the contested-election case of Carney against Berger neither any member of the Elections Committee nor any Member of the House insisted that Carney was entitled to be seated?

Mr. ROSE. The gentleman is entirely right. The committee did bring in a report that Berger was ineligible and that Carney did not have a right to a seat in the House for the reason that he did not receive a plurality of the votes cast in the election in which they were candidates. This House and this committee would stultify itself by concluding in the one case that Carney was not entitled to his seat and in another case of like kind conclude that Bodensstab would be entitled to a seat simply for the reason that the conduct of Mr. Berger was more widely known.

In the present contested-election case every member of the committee, including the gentleman from Wisconsin, Mr. RANDALL, who presented the minority views, agree that all of the voters in the fifth election district of Wisconsin knew that Victor L. Berger was not eligible to occupy a seat in this House.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. ROSE. I yield to the gentleman.

Mr. REED of West Virginia. My colleague does not mean to insist that a man must have a majority of votes cast to get a seat in Congress.

Mr. ROSE. Oh, no; a man may secure a seat in Congress by a plurality of votes, as there might be quite a number of candidates and no candidate have a majority of the votes cast.

Mr. JOHNSON of Mississippi. That would be governed by the State from which he came.

Mr. ROSE. That is true in many instances, although the House has entire control of its membership.

Mr. REED of West Virginia. Would not a plurality be sufficient if the votes of Berger had been divided?

Mr. ROSE. Oh, certainly. A plurality of votes is sufficient where there are more than two candidates, but in the case of Carney against Berger and in the case of Bodensstab against Berger neither of the contestants received a majority or plurality of the votes cast in the several elections. The committee does not see its way clear to break away from the established rules of the House, and therefore ask you to adopt the resolution offered by the chairman in the report filed by him.

Mr. DALLINGER. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. RANDALL] for the sole purpose of offering a substitute.

Mr. RANDALL of Wisconsin. Mr. Speaker, I offer the following substitute:

The Clerk read as follows:

*Resolved*, That Henry H. Bodensstab was duly elected a Member of Congress from the fifth congressional district of Wisconsin to the Sixty-sixth Congress on the 19th day of December, 1919, and that he is entitled to a seat in the House of Representatives as such Representative.

Mr. DALLINGER. Mr. Speaker, I think that this matter has been discussed a sufficient length of time, and I move the previous question on the original resolution and the substitute.

The SPEAKER pro tempore (Mr. LONGWORTH). The gentleman from Massachusetts moves the previous question on the resolution and substitute.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the substitute offered by the gentleman from Wisconsin.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. RANDALL of Wisconsin. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of no quorum, and the Chair will count. [After counting.] One hundred and seven Members present; not a quorum; the Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 8, nays 304, answered "present" 1, not voting 115, as follows:

## YEAS—8.

Esch Griffin	Klecza Lampert	Monahan, Wis. Nelson, Wis.	Raker Randall, Wis.
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## NAYS—304.

Ackerman	Evans, Nebr.	Layton	Rose
Almon	Fairfield	Lazaro	Rouse
Andrews, Nebr.	Ferris	Len, Calif.	Rowe
Anthony	Fess	Leibach	Sanders, Ind.
Aswell	Fields	Leshner	Sanford
Ayres	Fish	Linthicum	Schall
Bakka	Fisher	Little	Scott
Bankhead	Focht	Longworth	Sells
Barbour	Fordney	Luce	Sherwood
Bee	Foster	Lufkin	Shreve
Beggs	Frear	Luhning	Siegel
Bell	Freeman	McArthur	Sims
Benham	French	McClintic	Sinclair
Black	Fuller	McDuffie	Sinnot
Bland, Ind.	Gallagher	McFadden	Sisson
Bland, Mo.	Gallivan	McGlennan	Slemp
Bland, Va.	Ganly	McKenzie	Small
Blanton	Gard	McKinley	Smith, Idaho
Boles	Glynn	McLane	Smith, Mich.
Bowers	Godwin, N. C.	McLaughlin, Mich.	Smithwick
Bowling	Good	McLaughlin, Nebr.	Snell
Box	Goodykoontz	McLeod	Snyder
Brand	Graham, Ill.	McPherson	Steagall
Briggs	Green, Iowa	MacGregor	Stedman
Brinson	Greene, Mass.	Mann, Ill.	Stephens, Miss.
Brooks, Ill.	Greene, Vt.	Mansfield	Stephens, Ohio
Brooks, Pa.	Griest	Mapes	Stevenson
Browne	Hadley	Mays	Stoll
Buchanan	Hardy, Colo.	Mead	Strong, Kans.
Burdick	Hardy, Tex.	Merritt	Summers, Wash.
Burke	Harrison	Michener	Summers, Tex.
Burroughs	Haugen	Miller	Sweet
Butler	Hawley	Milligan	Swindall
Byrns, Tenn.	Hayden	Minahan, N. J.	Swope
Campbell, Kans.	Hays	Mondell	Tague
Campbell, Pa.	Hernandez	Moore, Ohio	Taylor, Ark.
Cantrill	Hersey	Moore, Va.	Taylor, Colo.
Caraway	Hickey	Moore, Ind.	Taylor, Tenn.
Carrs	Hicks	Mott	Temple
Carter	Hoch	Mudd	Thompson
Chindblom	Hoey	Murphy	Tilman
Christopherson	Holland	Nelson, Mo.	Tilson
Clark, Fla.	Houghton	Newton, Mo.	Timberlake
Coady	Howard	O'Connell	Tincher
Cole	Huddleston	O'Connor	Tinkham
Collier	Hulings	Odger	Towner
Connally	Hull, Iowa	Oldfield	Treadway
Cooper	Hull, Tenn.	Oliver	Valle
Crago	Humphreys	Olney	Venable
Cramton	Hutchinson	Osborne	Vestal
Crisp	Igoe	Overstreet	Vinson
Cullen	Ireland	Padgett	Volk
Currie, Mich.	Jacoway	Paige	Volstead
Dale	James, Va.	Park	Ward
Dallinger	Jeffers	Parker	Wason
Darrow	Johnson, Ky.	Parrish	Watkins
Davis, Minn.	Johnson, Miss.	Patterson	Watson
Davis, Tenn.	Johnson, S. Dak.	Pell	Weaver
Dempsey	Johnson, Wash.	Perlman	Webster
Denison	Jones, Pa.	Peters	Welling
Dewalt	Jones, Tex.	Pou	Whaley
Dickinson, Iowa	Kearns	Purnell	Wheeler
Dickinson, Mo.	Keller	Quin	White, Kans.
Domink	Kelly, Pa.	Radcliffe	White, Me.
Doremus	Kendall	Ramsayer	Williams
Dowell	Kettner	Randall, Calif.	Wilson, Ill.
Drane	Kiess	Ransley	Wilson, La.
Drewry	Kincheloe	Rayburn	Wilson, Pa.
Dupré	King	Reber	Wingo
Eagan	Kinkaid	Reed, W. Va.	Winslow
Eagle	Knutson	Rhodes	Woods, Va.
Echols	Kraus	Ricketts	Wright
Edmonds	Kreider	Robinson, N. C.	Yates
Elliott	Langley	Robison, Ky.	Young, N. Dak.
Emerson	Lanham	Rogers	Young, Tex.
Evans, Mont.	Lankford	Romjue	Zihlman

## ANSWERED "PRESENT"—1.

Benson

## NOT VOTING—115.

Anderson	Copley	Garner	Juul
Andrews, Md.	Costello	Garrett	Kahn
Ashbrook	Crowther	Goldfogle	Kelley, Mich.
Bacharach	Curry, Calif.	Goodall	Kennedy, Iowa
Baer	Davey	Goodwin, Ark.	Kennedy, R. I.
Barkley	Dent	Gould	Kitchin
Britten	Donovan	Graham, Pa.	Larsen
Brumbaugh	Doelling	Hamill	Lee, Ga.
Byrnes, S. C.	Doughton	Hamilton	Loneragan
Caldwell	Dunbar	Harrell	McAndrews
Candler	Dunn	Hastings	McColloch
Cannon	Dyer	Hersman	McKeown
Carow	Ellsworth	Hill	McKinley
Casey	Elston	Hudspeth	Madden
Clark, Mo.	Evans, Nev.	Husted	Magee
Classon	Flood	James, Mich.	Maher
Cleary	Gandy	Johnston, N. Y.	Major

Mann, S. C.	Porter	Rucker	Sullivan
Martin	Rainey, Ala.	Sabath	Thomas
Mason	Rainey, Henry T.	Sanders, La.	Upshaw
Montague	Rainey, John W.	Sanders, N. Y.	Vare
Moon	Ramsey	Scully	Voigt
Mooney	Reavis	Sears	Walsh
Morin	Reed, N. Y.	Smith, Ill.	Walters
Neely	Riddick	Smith, N. Y.	Welty
Newton, Minn.	Riordan	Steele	Wise
Nicholls	Rodenberg	Steenerson	Wood, Ind.
Nolan	Rowan	Stiness	Woodyard
Phelan	Rubey	Strong, Pa.	

So the substitute resolution was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANDREWS of Maryland with Mr. BENSON.

Mr. MADDEN with Mr. FLOOD.

Mr. WALSH with Mr. MONTAGUE.

Mr. MASON with Mr. GARRETT.

Mr. MAGEE with Mr. BYRNES of South Carolina.

Mr. WOOD of Indiana with Mr. RUCKER.

Mr. RODENBERG with Mr. McANDREWS.

Mr. DYER with Mr. MAJOR.

Mr. CANNON with Mr. SANDERS of Louisiana.

Mr. KENNEDY of Rhode Island with Mr. UPSHAW.

Mr. HARRELD with Mr. LEE of Georgia.

Mr. SMITH of Illinois with Mr. ASHBROOK.

Mr. VOIGT with Mr. HEERMANN.

Mr. SANDERS of New York with Mr. MOONEY.

Mr. WOODYARD with Mr. LARSEN.

Mr. RIDDICK with Mr. NEELY.

Mr. ANDERSON with Mr. WISE.

Mr. JUUL with Mr. CANDLER.

Mr. CROWTHER with Mr. NICHOLLS.

Mr. GOODALL with Mr. MARTIN.

Mr. STRONG of Pennsylvania with Mr. CAREW.

Mr. REED of New York with Mr. BARKLEY.

Mr. DUNBAR with Mr. CLEARY.

Mr. NEWTON of Minnesota with Mr. SABATH.

Mr. KELLEY of Michigan with Mr. RIORDAN.

Mr. STEENERSON with Mr. DOOLING.

Mr. McCULLOCH with Mr. HASTINGS.

Mr. JAMES of Michigan with Mr. JOHNSTON of New York.

Mr. ELSTON with Mr. GANDY.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Massachusetts [Mr. DALLINGER].

The resolution was agreed to.

On motion of Mr. DALLINGER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I call up the conference report upon the bill (H. R. 15422) making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1922, and for other purposes, and I ask unanimous consent to reconsider the vote by which the House receded from its disagreement to Senate amendment No. 151 and concurred in the same.

The SPEAKER pro tempore. The gentleman from Iowa calls up the conference report upon the sundry civil appropriation bill and asks unanimous consent that the House reconsider the vote by which it receded from its disagreement to Senate amendment No. 151 and concurred in the same. Is there objection?

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, what is the amendment?

Mr. GOOD. An error was made by the Clerk in figuring up the totals in two different amendments.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GOOD. Mr. Speaker, I move that the House insist upon its disagreement to Senate amendment No. 151.

The motion was agreed to.

Mr. GOOD. Mr. Speaker, I now ask unanimous consent that the House reconsider the vote by which it receded from disagreement to Senate amendment No. 152 and concurred in the same.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the House reconsider the vote by which it receded from its disagreement to Senate amendment No. 152 and concurred in the same. Is there objection?

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, is this a similar amendment?

Mr. GOOD. Yes.

Mr. McCLINTIC. Errors in figures?

Mr. GOOD. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GOOD. Mr. Speaker, I move that the House insist upon its disagreement to the Senate amendment No. 152.

The motion was agreed to.

#### OMNIBUS PENSION BILLS—CONFERENCE REPORTS.

Mr. SELLS. Mr. Speaker, I call up the conference report upon the bill (H. R. 7775) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which I send to the desk and ask to have read.

The Clerk read the conference report.

(For conference report see pp. 1052-1053, House proceedings, Record of January 6, 1921.)

Mr. SELLS. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Tennessee to adopt the conference report.

The motion was agreed to.

Mr. SELLS. Mr. Speaker, I call up the conference report upon the bill (H. R. 9281) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which I send to the desk and ask to have read.

The Clerk read the conference report.

(For conference report see pp. 1050-1052, House proceedings, Record of January 6, 1921.)

Mr. SELLS. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to.

Mr. SELLS. Mr. Speaker, I call up the conference report upon the bill (H. R. 10515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which I send to the desk and ask to have read.

The Clerk read the conference report.

(For conference report see pp. 1053-1054, House proceedings, Record of January 6, 1921.)

Mr. SELLS. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to.

Mr. SELLS. Mr. Speaker, I now call up the conference report upon the bill (H. R. 11554) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which I send to the desk and ask to have read.

The Clerk read the conference report.

(For conference report see pp. 1054-1056, House proceedings, Record of January 6, 1921.)

Mr. SELLS. Mr. Speaker, I move the adoption of the conference report.

Mr. RICKETTS. Mr. Speaker, will the gentleman yield?

Mr. SELLS. Yes.

Mr. RICKETTS. How many of these bills have been pending in the Senate since the last session of Congress adjourned?

Mr. SELLS. None of them have been pending in the Senate.

Mr. RICKETTS. I mean in the Senate committee. How many were held up there since the last session of Congress?

Mr. SELLS. A conference was asked for in the closing days of the second session. They have been held up until recently, when the conferees got together.

Mr. RICKETTS. How many pensions allowed in those bills by the House were cut out on account of the provisions in the Sells bill and the Fuller bill?

Mr. SELLS. Practically all of the bill that were eliminated by the Senate were, by reason of the passage of the act of June 5, 1920, which took care, as the gentleman knows, of all the disabled Spanish War soldiers.

Mr. RICKETTS. Many pensions that were allowed to soldiers and widows and their dependents by the House have been cut out and people who were entitled to those pensions will have to wait until the matter can be heard in the department before many of them are granted. Is not that true?

Mr. SELLS. As a matter of fact, I assume that a great majority of these claimants who had special bills pending have filed their application for pension long ago and will get a pension beginning from the date of the filing of the application?



Mr. RICKETTS. That will be true if they are filed; but if they are not filed they will not get a pension until the filing and it will date from the date of filing.

Mr. SELLS. No.

Mr. RICKETTS. Well, I am not criticizing the gentleman at all. I think the gentleman has done everything possible to hurry the bills along, but I do criticize the method in which pension claims have been handled in the Senate. It seems to me they wait too long over there and many of my constituents granted pensions by this House have died before the Senate would give consideration. I do not think that is fair to the people of the country who are entitled to pensions and which have been granted in the House.

Mr. SELLS. The gentleman is not trying to hold us responsible?

Mr. RICKETTS. I am not; I exonerate the gentleman from all blame.

Mr. SELLS. Mr. Speaker, I ask for the adoption of the conference report.

The question was taken, and the conference report was adopted.

#### ADDITIONAL CLERKS, COMMITTEE ON ENROLLED BILLS.

Mr. IRELAND. Mr. Speaker, I desire recognition for the presentation of some privileged reports. Mr. Speaker, I ask unanimous consent for the present consideration of this resolution, which was not reported by the committee.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 692.

*Resolved*, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to employ such additional clerks as may be necessary during the remainder of this session of Congress, the payment of services not to exceed \$200, to be paid out of the contingent fund of the House.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. IRELAND. Mr. Speaker, this is the usual perfunctory resolution, and I move its adoption.

The question was taken, and the resolution was adopted.

GERTRUDE I. JEMISON.

Mr. IRELAND. Mr. Speaker, I ask for the present consideration of the privileged resolution which I send to the Clerk's desk.

The PRESIDENT pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 685.

*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Gertrude I. Jemison, clerk to the late Hon. Fred L. Blackmon, a Representative in Congress from Alabama at the time of his death, February 8, 1921, the sum of \$186.66, being an amount equal to one month's salary of a clerk of a Representative in Congress.

The committee amendment was read, as follows:

On page 1, line 6, after the figures "186.66," strike out "being an amount equal to one month's salary of a clerk of a Representative in Congress" and insert: "And Hugh B. Fitzgerald, also clerk to the late Hon. Fred L. Blackmon, the sum of \$120, these amounts being equal to one month's salary drawn by each as such clerk," so that the amended resolution will read:

*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Gertrude I. Jemison, clerk to the late Hon. Fred L. Blackmon, a Representative in Congress from Alabama at the time of his death, February 8, 1921, the sum of \$186.66, and Hugh B. Fitzgerald, also clerk to the late Hon. Fred L. Blackmon, the sum of \$120, these sums being equal to one month's salary drawn by each as such clerks."

Mr. MANN of Illinois. This amounts to over \$300 a month. So that includes the bonus?

Mr. IRELAND. Yes, sir. Both the names and the amounts were verified by the Clerk.

Mr. MANN of Illinois. That would include the bonus?

Mr. IRELAND. Yes.

The question was taken, and the committee amendment was agreed to.

The resolution as amended was agreed to.

ERNEST WOLF.

Mr. IRELAND. Mr. Speaker, I ask consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 668.

*Resolved*, That there shall be paid out of the contingent fund of the House to Ernest Wolf, brother of August G. Wolf, late an employee of the House of Representatives, a sum equal to six months of his compensation as such employee, and an additional amount, not exceeding \$250, to defray the expenses of the funeral of said August G. Wolf.

The committee amendment was read, as follows:

In line 2, after the word "to," strike out the words "Ernest Wolf, brother" and insert in lieu thereof the words "the estate," so that it will read:

*Resolved*, That there shall be paid out of the contingent fund of the House to the estate of August G. Wolf, etc."

The question was taken, and the committee amendment was agreed to.

The resolution as amended was agreed to.

PRINCE L. BOOHER.

Mr. IRELAND. Mr. Speaker, I offer the following privileged resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 666.

*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Prince L. Booher the sum of \$228.33 and to H. M. Booher the sum of \$78.33, the same being the amount received by them per month as clerks to the late Charles F. Booher, a Representative in Congress from Missouri at the time of his death, January 21, 1921.

The question was taken, and the resolution was agreed to.

B. E. MOORE.

Mr. IRELAND. Mr. Speaker, I offer another privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 652.

*Resolved*, That there shall be paid out of the contingent fund of the House to B. E. Moore the sum of \$585, being compensation at the rate of \$65 per month from September 1, 1919, to May 31, 1920, inclusive, for services rendered in the file room of the House under direction of the Clerk.

The substitute was read, as follows:

*Resolved*, That there shall be paid out of the contingent fund of the House to B. E. Moore the sum of \$300, being compensation from September 1, 1919, to May 31, 1920, inclusive, for additional services rendered in the file room of the House under direction of the Clerk.

Mr. IRELAND. Mr. Speaker, this resolution was provoked by the fact that a young man in the employ of the Sixty-fifth Congress in the file room was retained over in the Sixty-sixth, but could secure no patronage to continue. In the Sixty-fifth Congress he was drawing \$1,500 a year, or some like amount, and was reduced to \$60 a month. It was deemed necessary by the Clerk of the House to retain his services to instruct the new employees, and the Clerk of the House promised the young man that he would try to secure compensation for the additional services rendered, due to his reduced remuneration. This resolution is the result of our anxiety to sustain the Clerk in his attitude.

The committee, on the recommendation of the Clerk, reduced the amount, as the amendment indicates.

The SPEAKER pro tempore. The question is on agreeing to the committee substitute.

The substitute was agreed to.

The resolution as amended by the substitute was agreed to.

THOMAS F. FARRELL.

Mr. IRELAND. Mr. Speaker, I offer another privileged resolution.

The SPEAKER. The gentleman from Illinois offers another privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 686.

*Resolved*, That Thomas F. Farrell be appointed special messenger to serve in and about the House, under the direction of the Doorkeeper, at a salary of \$1.180 per year, to be paid out of the contingent fund of the House until otherwise provided for.

Also the following committee amendment was read:

After the comma at the end of line 3, insert the words: "in lieu of the amount he is now receiving."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

OIL PORTRAIT OF FORMER SPEAKER THEODORE M. POMEROY.

Mr. IRELAND. Mr. Speaker, I offer another privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 389.

*Resolved*, That the Committee on the Library of the House of Representatives is hereby authorized and directed to engage an artist of reputation and ability to paint an oil portrait of the late Hon. Theodore M. Pomeroy, of New York, former Speaker of the House of Representatives in the Fortieth Congress, and to place same in the Speaker's Lobby, at a cost not to exceed \$2,000, which sum shall be paid out of the contingent fund of the House of Representatives.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, it appears that in the Fortieth Congress Mr. Speaker Schuyler Colfax, of Indiana, resigned his office as Speaker on March 3, 1899, and a successor was elected, namely, Mr. Speaker Theodore Pomeroy, of New York. The reason for it no doubt was found in that former Speaker Colfax had been elected Vice President of the United States and had certain duties to perform preliminary to taking that office, and Mr. Pomeroy, of New York, was elected to fill the unexpired term. A committee informed the President and the Senate of his election, and all requirements of a regular election of a Speaker were complied with. It appears that, due to the short time that he was in office, the traditions of the House were not followed, and that Mr. Pomeroy's portrait does not appear in the Speaker's lobby. Under an anxiety to do justice to all who have so served and so well served this House, the committee felt that the House would not desire to violate any of its traditions in this matter, and so reported this resolution favorably.

I have an arrangement with the chairman of the Committee on the Library whereby he has agreed not to grant this commission or make a charge upon the contingent fund of the House until near the close of the coming session of Congress. So an apparent extravagance will not deplete our contingent fund when we are so pressed as we are at present.

Mr. BLANTON. Will the gentleman yield?

Mr. IRELAND. I yield.

Mr. BLANTON. This distinguished Speaker served one day. Is that the fact?

Mr. IRELAND. Yes, sir.

Mr. BLANTON. He served from the 3d of March to the 4th of March?

Mr. IRELAND. I believe that is computable.

Mr. BLANTON. And we have a distinguished Member of the House who during the absence of our present Speaker served very faithfully and ably—the gentleman from Massachusetts [Mr. WALSH]. He served probably several weeks of time. [Applause.]

Mr. Speaker, I raise the point of order that this resolution is not privileged in coming from the Committee on Accounts. This is not under the rules of the House a privileged resolution.

Mr. IRELAND. Mr. Speaker, I submit it is clearly a privileged resolution, and draws from the contingent fund of the House.

Mr. BLANTON. It is a matter of legislation.

Mr. IRELAND. I submit the gentleman's argument seems quite unsound, but I admire the compliment he has paid to our colleague from Massachusetts; but, unfortunately, the cases are not parallel, for the gentleman from Massachusetts [Mr. WALSH] has not as yet been elected Speaker. He has served as a substitute. Mr. Pomeroy was elected.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. MANN of Illinois. This portrait, of course, is not to be painted from life. I think we have made appropriations several times for painting of portraits from life of recent Speakers. On the other hand, a few years ago we provided for the portraits of Speakers who were not living, at an expense not to exceed \$500 for each portrait. Those portraits are in the lobby. Now, just what is the theory of the Committee on Accounts, the Library Committee, or any other committee, proposing now to pay \$2,000 for a portrait to be painted from a likeness of some kind of a man who served one day as Speaker, when we would only appropriate \$500 to paint a portrait from a likeness of men who served from one to four full terms as Speaker? Is the excess because the man served for so short a time?

Mr. IRELAND. I submit that there was no question that he was both de facto and de jure Speaker, and as such merits this consideration.

Mr. MANN of Illinois. Did the committee take into consideration the fact that Congress had limited these amounts for the painting of portraits from likenesses to \$500 heretofore, or was it not informed of that fact?

Mr. IRELAND. I will answer the gentleman by offering an amendment. I offer an amendment striking out the figures "\$2,000" and inserting in lieu thereof "\$1."

The SPEAKER pro tempore. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IRELAND: In line 7 of the resolution strike out "\$2,000" and insert in lieu thereof "\$1."

Mr. MANN of Illinois. Mr. Speaker, I offer an amendment to the amendment making the sum \$500.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MANN of Illinois offers to amend the amendment by striking out "\$1" and inserting in lieu thereof "\$500."

Mr. HASTINGS. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. HASTINGS. I want just about two minutes.

Mr. Speaker and gentlemen of the House, I am a member of the Committee on Accounts. Through no fault of the chairman, I was not present when this resolution was considered. If I had been, I would not have voted for it. I do not favor this resolution. At most, the person who was honored as Speaker for one day was only technically entitled to the distinction represented by this appropriation. I do not believe that the Committee on Accounts ought to assume jurisdiction to pay \$2,000, or any other sum—\$500, according to this amendment.

But this is an unusual case. I think it ought to go to the appropriating committee, say in the sundry civil bill or some other bill, or in a special bill to come before the House, reported from the Committee on the Library or some other committee.

I do not believe that where a Speaker served away back yonder, years and years ago—50 or 60 or 70 years ago—we ought to spend \$2,000 to have his portrait painted, or \$500; and I do not believe that we ought to act favorably upon the report of this committee for any sum. I think this resolution was considered, either formally or informally, at some prior time; I do not recollect just when. I was not present with the committee when this resolution was reported out. If I had been, as I have said, I would not have voted for it. I do not think we are justified at this time in voting this sum of money without some previous consideration by the Committee on the Library or some other committee having jurisdiction of the subject matter.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. BEE. This gentleman who is to be honored with the painting served one day under an election as Speaker pro tempore.

Mr. IRELAND. He was not elected Speaker pro tempore.

Mr. BEE. How was he elected?

Mr. IRELAND. As any other Speaker.

Mr. BEE. Is there any other instance in the history of this country where any other man served only 1 day or 5 or 10 days?

Mr. IRELAND. I think there was. I think ex-Speaker CLARK could recite them from memory, but I do not know who they were. I would not be positive about that.

Mr. BEE. If we authorize this, will we not be opening the door for the portraits of all those gentlemen in the dark and distant past, so that instead of this being a mark of distinction for gentlemen to have their memories perpetuated in that way it would be commonized, so to speak, by having the portraits of men hanging there who simply temporarily filled those places? Would it not be a serious and dangerous precedent if we voted this amount?

Mr. IRELAND. It is my belief, and I have been so informed, that all other Speakers of the past have been so honored, and the custom still continues. This is the only exception. That is my understanding, but I would not be positive of it.

Mr. BEE. Does the gentleman recall that out in the lobby there are portraits of gentlemen who served as Speaker only for one day?

Mr. IRELAND. No; I would not say that. I believe that the portraits of all the Speakers who served in this House have been painted, with this single exception.

Mr. BEE. Are there not many who served who are not out there?

Mr. IRELAND. I would not say many. There may be some.

Mr. BEE. We would have to put them all there in order to be consistent.

Mr. IRELAND. I am sure it was the thought of the committee, whether we do it or not, that between ourselves—the membership of this House—we are supposed to grant to each other a certain courtesy, and certainly an additional courtesy.



to all our officers of the House, and I should not want to believe this House as a whole would be less desirous of honoring one of the distinguished Speakers who had passed to the great beyond than a living one.

Mr. BLANTON. Mr. Speaker, under clause 5 of Rule XX, I make the point of order that this resolution, which is now on the Speaker's table and under consideration, is legislation carrying an appropriation. It is not the kind of an appropriation that the Committee on Accounts is authorized to recommend. It is a matter of legislation that ought to go to a legislative committee, and the appropriation should be provided for by the regular Committee on Appropriations, it being legislation pure and simple. It is not a matter that is ordinarily paid for out of the contingent fund of the House. This is a matter that occurred back in the Fortieth Congress, over 50 years ago. I submit the point of order, Mr. Speaker.

Mr. MANN of Illinois. Mr. Speaker, there is nothing to the point of order.

Mr. IRELAND. Absolutely nothing.

Mr. MANN of Illinois. The rule expressly provides that all payments out of the contingent fund go to the Committee on Accounts. They can report in the purchase of a portrait or anything else.

Mr. BLANTON. Suppose the Committee on Accounts should bring in a resolution here to paint a portrait at \$2,000 for each Member of the House and adorn the walls of this Chamber, out of the contingent fund.

Mr. MANN of Illinois. It would be in order, but—

Mr. IRELAND. Such a foolish proposition would probably be voted down, and properly so; yet it would be privileged and in order.

The SPEAKER. The Chair overrules the point of order.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. BANKHEAD. How does it happen that this matter has not heretofore been brought to the attention of Congress or heretofore been pressed upon the attention of the committee?

Mr. IRELAND. I can not say. It was presented to the chairman of the Committee on the Library and they brought it to the Committee on Accounts.

Mr. DAVIS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. DAVIS of Tennessee. Is it not a fact that efforts have been made from time to time in the past to get through a resolution of this kind?

Mr. IRELAND. Not to my knowledge.

Mr. DAVIS of Tennessee. I thought that had been brought out some time ago.

Mr. IRELAND. The gentleman has the advantage of me if that be true. I do not know.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. CHINDBLOM. Have we not spent over \$500 worth of time on this matter now?

Mr. IRELAND. I think so.

Mr. CHINDBLOM. Let us vote, then.

Mr. MANN of Illinois. Mr. Speaker, I do not think this resolution ought to be passed at all. If it is passed, the amount ought to be reduced. It is not a matter of right on the part of the Speaker to have his portrait hung in the lobby. It is a matter of pleasure on the part of the House to honor a Speaker by doing that.

But this Speaker was only nominally a Speaker, to the extent of signing the last documents on the last day of the session. I do not know at what time of the day he was elected on March 3, but at the end of the March 3 legislative day he was no longer Speaker.

I can see no reason why we should set the precedent. If we do that we shall be called upon next to hang in the lobby portraits of all the Speakers pro tempore who served much longer throughout all the years of Congress. It is no reflection on a man not to do it, and there is no reason why it should be done. [Applause.]

The SPEAKER. The question is on the amendment of the gentleman from Illinois [Mr. MANN] making the amount \$500. The question being taken, the amendment was rejected.

The SPEAKER. The question is on the amendment of the gentleman from Illinois [Mr. IRELAND] to make the amount \$1.

Mr. IRELAND. Mr. Speaker, may I have just a moment on that? This amendment appears foolish, but I know what I am talking about. This is the way to make the resolution still privileged, and yet not create so great a charge against the contingent fund. I am speaking with authority, and I have no further explanation to make.

Mr. BANKHEAD. Does the gentleman mean that some private arrangement has been made to pay the cost of the portrait?

Mr. IRELAND. The gentleman can draw his own conclusion.

Mr. FESS. Does this come from the Library Committee of the House?

Mr. IRELAND. Yes; from the chairman, who introduced the resolution.

Mr. FESS. It is the first time I have heard anything about it.

Mr. KING. Does the gentleman desire to have this amendment passed?

Mr. IRELAND. I certainly do.

Mr. KING. Then I shall vote for it.

Mr. GARRETT. Mr. Speaker, I assume that this simply means in effect that it becomes a resolution that the House accept the portrait and give authority to hang it in the lobby with the portraits of the other Speakers. If that is the case, why not let that proposition be put up to us, rather than this resolution in this form?

Mr. IRELAND. I will say to the gentleman from Tennessee that this is the usual form. The resolution was reported carrying the amount that has usually been appropriated, and I did not know whether it would meet with approval of the House or not; and if the House does not feel inclined to accord to this man's memory the same privilege that has been accorded to others, because of the short time he served, this is an easy way out of the difficulty.

The SPEAKER. The question is on the amendment reducing the amount to \$1.

The question being taken, on a division (demanded by Mr. IRELAND) there were—ayes 61, noes 58.

Accordingly the amendment was agreed to.

The SPEAKER. The question is on the adoption of the resolution as amended.

The question being taken, on a division (demanded by Mr. IRELAND) there were—ayes 54, noes 83.

Mr. IRELAND. Mr. Speaker, I ask for tellers.

Mr. BLANTON. I make the point of no quorum present. I think we ought to have a record vote.

Mr. IRELAND. I ask for tellers, Mr. Speaker.

Mr. BLANTON. I withdraw the point of no quorum.

Mr. GALLIVAN. Well, I will make the point of no quorum.

The SPEAKER. The gentleman from Massachusetts makes the point of no quorum present. The Chair thinks there is no quorum present. The question is on agreeing to the resolution. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 149, nays 145, answered "present" 1, not voting 133, as follows:

## YEAS—149.

Andrews, Nebr.	Frear	McFadden	Rhodes
Barbour	French	McGlennon	Robison, Ky.
Barkley	Gallagher	McKenzie	Rogers
Begg	Gallivan	McKinley	Rose
Benham	Ganly	McLane	Rowe
Bowers	Glynn	McLeod	Sanders, N. Y.
Box	Goldfogle	McPherson	Sanford
Brooks, Ill.	Goodykoontz	MacGregor	Schall
Brooks, Pa.	Graham, Ill.	Mansfield	Scott
Browne	Greene, Mass.	Mapes	Shreve
Burdick	Griffin	Martin	Siegel
Burke	Hardy, Tex.	Mead	Sisson
Butler	Harrison	Minahan, N. J.	Slemp
Campbell, Pa.	Hays	Monahan, Wis.	Smith, Idaho
Chinblom	Hicks	Mondell	Smithwick
Christopherson	Houghton	Moore, Ohio	Snell
Clark, Fla.	Hutchinson	Moore, Ind.	Steenerson
Cleary	Igoe	Mott	Stephens, Ohio
Coady	Ireland	Murphy	Strong, Pa.
Crago	James, Va.	Nelson, Wis.	Summers, Wash.
Cullen	Johnson, Miss.	Newton, Mo.	Swope
Dallinger	Jones, Pa.	Nolan	Tague
Davis, Minn.	Kelly, Pa.	O'Connell	Temple
Dempsey	Kendall	O'Connor	Thompson
Denison	Kennedy, R. I.	Ogden	Tilson
Dewalt	Kettner	Osborne	Tinkham
Drewry	Kiess	Paige	Vestal
Dunbar	King	Parker	Volk
Dupré	Knutson	Parish	Ward
Eagan	Langley	Pell	Wheeler
Echols	Layton	Perlman	Williams
Elliott	Lazaro	Peters	Wilson, Pa.
Emerson	Lea, Calif.	Phelan	Woods, Va.
Evans, Nebr.	Linthicum	Purnell	Yates
Evans, Nev.	Luce	Radcliffe	Zihlman
Flood	Lufkin	Raker	
Focht	McArthur	Randall, Wis.	
Fordney	McClintic	Reed, W. Va.	

## NAYS—145.

Ackerman	Babka	Black	Boies
Almon	Bankhead	Bland, Mo.	Bowling
Aswell	Bee	Bland, Va.	Brand
Ayres	Bell	Blanton	Briggs

Brinson	Hadley	Mann, Ill.	Stevenson
Buchanan	Hardy, Colo.	Mays	Stoll
Burrhoughs	Hastings	Michener	Strong, Kans.
Campbell, Kans.	Haugen	Miller	Summers, Tex.
Cannon	Hawley	Milligan	Sweet
Caraway	Hayden	Nelson, Mo.	Swindall
Cole	Hernandez	Nicholls	Taylor, Ark.
Collier	Hersey	Oldfield	Taylor, Colo.
Connally	Hersman	Oliver	Taylor, Tenn.
Cramton	Hickey	Overstreet	Tillman
Crisp	Hoch	Padgett	Timberlake
Currie, Mich.	Holland	Park	Treadway
Dale	Huddleston	Patterson	Vinson
Darrow	Hull, Iowa	Porter	Walsh
Davis, Tenn.	Humphreys	Quin	Wason
Dickinson, Mo.	Jefferis	Ramsey	Watkins
Dominick	Johnson, Ky.	Ramseyer	Watson
Dowell	Johnson, Wash.	Randall, Calif.	Weaver
Edmonds	Jones, Tex.	Rayburn	Webster
Esch	Kearns	Ricketts	Welling
Evans, Mont.	Kincheleo	Robinson, N. C.	Whaley
Fairfield	Kinkaid	Romjue	White, Kans.
Ferris	Kraus	Rouse	White, Me.
Fess	Lanham	Rucker	Wilson, La.
Fields	Lankford	Sabath	Wingo
Fisher	Lee, Ga.	Sherwood	Winslow
Foster	Lehibach	Sims	Wood, Ind.
Freeman	Leshner	Sinclair	Wright
Fuller	Longworth	Sinnott	Young, N. Dak.
Garratt	McCulloch	Smith, Mich.	Young, Tex.
Good	McDuffie	Steagall	
Green, Iowa	McLaughlin, Mich.	Stedman	
Griest	McLaughlin, Nebr.	Stephens, Miss.	

## ANSWERED "PRESENT"—1.

Benson  
NOT VOTING—133.

Anderson	Dyer	Klecza	Riddick
Andrews, Md.	Eagle	Kreider	Riordan
Anthony	Ellsworth	Lampert	Rodenberg
Ashbrook	Elston	Larsen	Rowan
Bacharach	Fish	Little	Rubey
Baer	Gandy	Loneragan	Sanders, Ind.
Bland, Ind.	Gard	Luhning	Sanders, La.
Britten	Garner	McAndrews	Scully
Brumbaugh	Godwin, N. C.	McKeown	Sears
Byrnes, S. C.	Goodall	McKiniry	Sells
Byrns, Tenn.	Goodwin, Ark.	Madden	Small
Caldwell	Gould	Magee	Smith, Ill.
Candler	Graham, Pa.	Maher	Smith, N. Y.
Cantrill	Greene, Vt.	Major	Snyder
Carew	Hamill	Mann, S. C.	Steele
Carss	Hamilton	Mason	Stiness
Carter	Harrell	Merritt	Sullivan
Casey	Hill	Montague	Thomas
Clark, Mo.	Hoey	Moon	Tincher
Classon	Howard	Mooney	Towner
Cooper	Hudspeth	Moore, Va.	Upshaw
Copley	Hulings	Morin	Valle
Costello	Hull, Tenn.	Mudd	Vare
Crowther	Husted	Neely	Venable
Curry, Calif.	Jacoway	Newton, Minn.	Voigt
Davey	James, Mich.	Olney	Volstead
Dent	Johnson, S. Dak.	Pou	Walters
Dickinson, Iowa	Johnston, N. Y.	Rainey, Ala.	Welty
Donovan	Juul	Rainey, Henry T.	Wilson, Ill.
Dooling	Kahn	Rainey, John W.	Wise
Doremus	Keller	Ransley	Woodyard
Doughton	Kelley, Mich.	Reavis	
Drane	Kennedy, Iowa	Reber	
Dunn	Kitchin	Reed, N. Y.	

So the resolution was agreed to.

The following additional pairs were announced:

Mr. ANTHONY with Mr. POU.

Mr. ANDREWS of Maryland with Mr. BENSON.

Mr. KREIDER with Mr. OLNEY.

Mr. TOWNER with Mr. BYRNS of Tennessee.

Mr. GREENE of Vermont with Mr. CARTER.

Mr. VOLSTEAD with Mr. GODWIN of North Carolina.

Mr. BLAND of Indiana with Mr. GARD.

Mr. LITTLE with Mr. HOWARD.

Mr. KLECZKA with Mr. CARSS.

Mr. COOPER with Mr. RAINEY of Alabama.

Mr. TINCHER with Mr. RUBEX.

Mr. SANDERS of Indiana with Mr. EAGLE.

Mr. DICKINSON of Iowa with Mr. DRANE.

Mr. FISH with Mr. JACOWAY.

Mr. KELLER with Mr. HULL of Tennessee.

Mr. LUHRING with Mr. SMALL.

Mr. SNYDER with Mr. DONOVAN.

Mr. LAMPERT with Mr. MCKINIRY.

Mr. MUDD with Mr. LONERAGAN.

Mr. SELLS with Mr. MANN of South Carolina.

Mr. REBER with Mr. MOORE of Virginia.

The result of the vote was announced as above recorded.

On motion of Mr. IRELAND, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

H. M. VANDERVOORT.

Mr. IRELAND. Mr. Speaker, I call up House resolution 662.

The Clerk read the resolution, as follows:

House resolution 662.

*Resolved*, That there be paid out of the contingent fund of the House \$1,200 to H. M. Vandervoort for extra and expert services to the Committee on Invalid Pensions from June 6 to December 5, 1920, and during

the third session of the Sixty-sixth Congress, as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, if these well-designed raids on the Treasury seem too numerous, I respectfully invite your attention to the fact that they are the accumulation of almost the entire session, and that I have not transgressed on your time hitherto save in very necessary instances, and then, I think, only twice. I make that explanation because I have a good many matters here, and they may seem on account of their number possibly excessive.

This is the usual resolution granted in favor of the pension examiner of the Committee on Invalid Pensions. It has been the custom in the past to grant them additional amount of compensation for the services rendered to the two pension committees of the House. I observe in the last committee report when the last appropriation was made that we predicted that for the short session the compensation would be \$800. It was the thought of the committee, substantiated and supported by the chairmen of the pension committees, that the work had been so heavy that they were entitled to additional compensation of \$1,200, and so the resolution was ordered reported.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

WAYNE W. CORDELL.

Mr. IRELAND. Mr. Speaker, I call up House resolution 660. The Clerk read as follows:

House resolution 660.

*Resolved*, That there be paid out of the contingent fund of the House \$1,200 to Wayne W. Cordell for extra and expert services to the Committee on Pensions from June 6 to December 5, 1920, and during the third session of the Sixty-sixth Congress, as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

Mr. IRELAND. This is a similar resolution for expert services to the Committee on Pensions.

The resolution was agreed to.

THOMAS M. HOLT AND JAMES KENAH.

Mr. IRELAND. Mr. Speaker, I present the following privileged resolution.

The Clerk read as follows:

House resolution 395.

*Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, until otherwise provided by law, to Thomas M. Holt and James Kenah, majority and minority messengers in charge of telephones, respectively, the sum of \$500 each per annum, payable monthly, as additional compensation.

With the following committee amendment:

Strike out "\$500" and insert "\$360."

Mr. IRELAND. Mr. Speaker and gentlemen of the House, I voted against this resolution in my committee, both for the amendment and the original resolution, but was outvoted. Ordinarily I should feel inclined to bring in a minority report, but I am one of those old-fashioned Republicans who does not know the difference between a caucus and a conference, and I love to be bound by the majority, and so I shall stand by my committee and their vote for the resolution.

The only objection is that you are advancing the telephone operators to the point in salary that many clerks of committees receive, and placing them on a par. In this instance you are voting for men rather than for positions, and it seems a dangerous precedent to set. If anything detrimental could be said against the recipients of these salaries it would be quite a different thing, but nothing but commendable things can be said of Mr. Holt, and I am sure that the same thing may be said of the other employee. If there are any faithful men who religiously and conscientiously, at all hours, serve the Members well it is the men referred to in this resolution.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The resolution as amended was agreed to.

TELEPHONE PAGES.

Mr. IRELAND. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts, which I send to the desk.

The Clerk read as follows:

House resolution 615.

*Resolved*, That the salaries of the two pages employed at the telephone booths of the House be \$1,200 per annum: *Provided*, That the said salaries be paid out of the contingent fund of the House of Representatives until otherwise provided by law, and said increase to become effective from the beginning of the third session of the Sixty-sixth Congress.

Mr. IRELAND. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.



The Clerk read as follows:

Page 1, line 5, after the word "law" strike out the comma, insert a period, and strike out all of the remainder of the resolution, lines 5 and 6, so that the resolution will read:

*Resolved*, That the salaries of the two pages employed at the telephone booths of the House be \$1,200 per annum: *Provided*, That the said salaries be paid out of the contingent fund of the House of Representatives until otherwise provided for by law."

Mr. IRELAND. Mr. Speaker, to be consistent, this resolution should be passed just as well as the one preceding it. These are two pages assigned to the cloakrooms for telephone service, and it creates only a very small additional charge upon the contingent fund. It simply raises their pay a trifle over that of the ordinary pages.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

#### EXTERMINATION OF INSECTS.

Mr. IRELAND. Mr. Speaker, I present also the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

#### House resolution 617.

*Resolved*, That the Superintendent of the Capitol Building and Grounds be, and he is hereby, authorized and directed to make a contract for the extermination and banishment of insects from the House wing of the Capitol and the House Office Building at an expenditure not to exceed \$1,700, payment to be made monthly from the contingent fund of the House of Representatives on vouchers countersigned by the Superintendent of the Capitol and approved by the Committee on Accounts.

Mr. IRELAND. Mr. Speaker, this was introduced at the request of the Superintendent of the Capitol, and I think needs no comment.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### AUGUST BUEHNE AND OTHERS.

Mr. IRELAND. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

#### House resolution 518.

*Resolved*, That there shall be paid out of the contingent fund of the House \$500 to August Buehne for extra services rendered the Members of the House of Representatives during the year 1920, as employee detailed from the Government Printing Office.

With the following committee amendments:

Strike out all after the word "Resolution" and insert:

*Resolved*, That there shall be paid out of the contingent fund of the House \$200 to each of the following-named employees, detailed from the Government Printing Office to the House of Representatives: August N. Buehne, William S. Smith, Harry A. Gwin, Benjamin F. Dorsey, Martin J. McAndrews, Martin F. McNamara, and Chester S. White, for extra services rendered to Members of the House of Representatives during the Sixty-sixth Congress in delivering to the Members the various pamphlets and other printed matter sent out by the Government departments.

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. SISSON. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. SISSON. Is this the usual resolution?

Mr. IRELAND. I would say to the gentleman from Mississippi that it is not. These men are all detailed from the Government Printing Office and serve the Members of the House and sometimes the Members of the Senate. They work back and forth, as their duties seem to demand. There was one man who importuned the late lamented Dr. Foster regularly to get an additional payment each Congress, and the doctor's successor, Mr. Brooks. An investigation by the committee showed that there were other men just as much entitled to this extra compensation as he. Their basic pay is about \$950 a year, I believe.

Mr. SISSON. They get \$240 as a bonus, and this is an extra compensation of \$200.

Mr. IRELAND. That is correct.

Mr. TILSON. What services do they render to the Members of Congress?

Mr. IRELAND. They deliver all of the literature to the Members of both Houses.

Mr. JOHNSON of Washington. Is that a service? [Laughter.]

Mr. IRELAND. It is questionable in my mind. We were waited on by several Members of the House, who very vociferously so assured us and demanded that this compensation be

given them, and they insisted that the service rendered was a valuable one to the Members. We can all agree that the basic pay is very low.

Mr. TILSON. I thought enough publications were delivered to us through the mail without having special-delivery messengers dump these things on us.

Mr. IRELAND. I do not use them myself, so I can not say.

Mr. SISSON. Mr. Speaker, as I recollect, this thing commenced when Dr. Foster got some extra pay for one man.

Mr. IRELAND. That is correct. He did that several times.

Mr. SISSON. Yes. Now, at the beginning, one man happened to do some meritorious service and it shows how this thing goes. That is why I call the attention of the chairman to this roll. Now, I did not count them, but I believe there are eight—

Mr. IRELAND. No; seven.

Mr. SISSON. I tried to keep it in my mind, but perhaps I was not accurate. Now, these seven men, in my opinion, are not rendering any service that would justify a detail of that many men from the Government Printing Office. Of course, I understand that if they deliver all of the matter they perhaps will be pretty busy.

Mr. IRELAND. They are all under the direction of the clerk in charge of the CONGRESSIONAL RECORD. He thought they did additional work. Personally, I believe the practice is deplorable and ought not to be indulged in.

Mr. SISSON. It is deplorable.

Mr. IRELAND. I fought this off as long and as hard as I could and I served notice on the several attorneys, Members of this House, who appeared for these men, that so long as the Committee on Accounts was so constituted as it is at the present time, that this would be the last depredation that will occur.

Mr. SISSON. Well—

Mr. IRELAND. I give that as my opinion and not that of the committee.

Mr. SISSON. I think it is a very bad precedent by Dr. Foster, and as much as I love him I did not like it at the time, and this just shows what one swallow will do.

Mr. IRELAND. And what it leads to.

Mr. KING. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. KING. Are these messengers serving all the Members of the House or a few Members of the House?

Mr. IRELAND. I think they are serving all of them, or so intend to do.

Mr. HICKS. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. HICKS. There was so much confusion I know I for one have not been able to find out what these men do. Where do they bring this stuff from and where do they take it?

Mr. IRELAND. From the Government Printing Office to the offices of Members. Much of the pamphlets and printed matter, hearings, and everything of that sort you receive at your office is brought there and delivered by these men.

Mr. LANGLEY. What are their salaries?

Mr. IRELAND. Nine hundred and fifty dollars I believe, or near that.

Mr. LANGLEY. That is not enough.

Mr. HICKS. Why does it not come through the mail?

Mr. IRELAND. I think that would be an unreasonable additional tax on our post office and I do not know that it is practical or economical.

Mr. HICKS. It is cheaper.

Mr. IRELAND. Oh, yes; decidedly.

Mr. PARRISH. Will the gentleman yield?

Mr. IRELAND. Gladly.

Mr. PARRISH. I might here state, in connection with the bill introduced for these men, that they are detailed from the Government Printing Office and placed under the charge of Mr. Smith, who has charge of the CONGRESSIONAL RECORD, and by reason of the fact they are so detailed it is not within the power of the officer of the Government Printing Office to increase their salaries with the increase of salaries of those who are directly under him. They, being under Mr. Smith, can not be given the increase of salaries which are given to the employees regularly under the Government Printing Office. It is said that some of these men have been working for the Government for 25 or 30 years, and their salaries are only about \$950, not including the bonus. It was thought by the Committee on Accounts that there is an inequality in the salary of these men. It was stated by Mr. Smith, who came before the committee personally, that these men did hard manual labor and that every one of them is kept busy all the time, and their services are very necessary for the carrying on of the work of

the House; and our committee felt, in view of the fact that their salaries were not kept up with the employees in the Government Printing Office, it would be but just and right to allow these men some little increase so as to enable them to meet their obligations and take care of their families. It was stated that practically all of them had families, and some of them five and six in a family. Men who have been working for the Government for 25 and 30 years and getting a basic salary of about \$950 are entitled to justice, at least, at the hands of Congress, and we could hardly do less than to give the \$200 provided in this bill.

Mr. IRELAND. I wish to say in addition to what my colleague has so ably stated that some of these men suffer a loss of a dollar a day, or such a matter, by being detailed up there.

Mr. Sisson. I have no objection to these gentlemen getting their salaries increased by the \$200. But I do not think salaries should be fixed in this way, nor do I feel because they are detailed that necessarily they lose their status in the Government Printing Office. I do not think the conclusion reached is the real, actual fact. But it shows the wickedness of detail. The Committee on Appropriations has made every effort in the departments of the Government to do away with this. We have to fight off the question of detail all the time. You never know how many employees we have. If these men are detailed to the House and Senate they ought to go off the printing roll and be on the contingent roll of the two Houses. Then we would know exactly what we are doing. It is utterly impossible to keep track of these things when you detail men. The trouble is that a certain Member of Congress will go down and get a man detailed to do certain work, and he comes up here after a number of years and complains about it. It is a bad precedent and a bad system that I am complaining about. I am not complaining about the extra \$200.

Mr. BARBOUR. May I ask the gentleman whether these employees are those that come to the Office Building and bang down a big bundle of papers at your door—newspapers, and so forth?

Mr. IRELAND. I presume so.

Mr. BARBOUR. If they are, we ought to eliminate them. Every few days somebody comes down the hall over there and throws a big bundle of papers down in front of the door.

Mr. IRELAND. What kind of papers?

Mr. SMITH of Idaho. The distribution to which the gentleman from California refers is made by the pages. Every week they bring the Record through the corridors and, instead of laying it on the table in the Member's room, they slam it on the floor in front of the door.

Mr. BARBOUR. Whoever they are, they ought to be eliminated altogether.

Mr. HUDDLESTON. I would like to know what they deliver. I have never seen them.

Mr. IRELAND. Printed matter.

Mr. HUDDLESTON. From where?

Mr. IRELAND. From the Government Printing Office, such as hearings of committees and things of that sort.

Mr. HUDDLESTON. Do they deliver matter that comes from the folding room?

Mr. IRELAND. Yes.

Mr. HUDDLESTON. I was under the impression that the employees of the folding room delivered the stuff coming through the folding room. It does not come directly from the Government Printing Office?

Mr. IRELAND. No.

Mr. HUDDLESTON. I know of nothing that the Members receive directly from the Printing Office.

Mr. IRELAND. I think these men deliver matter from the folding room as well.

Mr. HUDDLESTON. Now, we ought to know that, because I do not know of anything else they could possibly do. If they are not connected with the folding room and do not deliver the stuff that comes out of the folding room, what is it they deliver?

Mr. IRELAND. I get none of it myself, but I know that when I was in the House Office Building great truck loads were passing all the time going somewhere.

Mr. HUDDLESTON. That is stuff coming from the folding room to the Members' offices, and, as I understand, is delivered by employees of the folding room. It is barely possible that these employees deliver Members' speeches to the folding room from the Printing Office, but they do not come to any Member's office. I would like somebody who knows what they do to tell us what it is, because I have never seen them.

Mr. IRELAND. I do not know where they come from or where they go. We only know from the superintendent who

has charge there that they are busy in the discharge of their duties, oftentimes at night as well as their regular hours.

Mr. BLANTON. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. BLANTON. I can locate one of these gentlemen, I think. One of them is Mr. Buehne, who is inside of the House Office Building on the first floor, and who has charge of the little room where printing, stationery, and stuff comes for Members, and he delivers it. He is there from about 8 o'clock in the morning to sometimes after dark at night. I have seen him there.

Mr. IRELAND. Personally, I am not very anxious to find or locate any of them. I move the adoption of the resolution.

The SPEAKER. The question is first on agreeing to the committee amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 15935) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

#### SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 233. Joint resolution giving consent of the Congress of the United States to the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska, or any two or more of said States, to agree upon the jurisdiction to be exercised by said States over boundary waters between any two or more of said States; to the Committee on the Judiciary.

S. 4694. An act for the relief of Samuel H. Dolbear; to the Committee on Claims.

S. 4511. An act authorizing the Secretary of War to grant a right of way over certain Government lands to the State of Oregon for the Columbia River Highway; to the Committee on the Public Lands.

S. 4352. An act authorizing the Indians residing on or belonging to the Turtle Mountain Reservation, N. Dak., to submit claims to the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

S. 4186. An act to authorize the Broadwater Irrigation District, a Montana organization, to construct a dam across the Missouri River; to the Committee on Interstate and Foreign Commerce.

S. 4159. An act for the relief of dispossessed allotted Indians of the Nisqually Reservation, Wash.; to the Committee on Indian Affairs.

S. 3129. An act for the relief of Louisa Frow; to the Committee on Claims.

S. 2838. An act for the relief of Philip S. Everest; to the Committee on Indian Affairs.

S. 2340. An act for the relief of Richard Parke; to the Committee on Military Affairs.

S. J. Res. 229. Joint resolution authorizing the Secretary of War to investigate the claims of private parties to the Mariveles quarry within the limits of a United States military reservation in the Philippine Islands, and to permit the working thereof by the persons entitled thereto, provided military necessities permit; to the Committee on Military Affairs.

S. 4991. An act for the relief of Kristina Furjak; to the Committee on Claims.

S. 4865. An act fixing the taxable status of lands received in exchange for lands formerly embraced in the grants to the Oregon & California Railroad Co. and the Coos Bay Wagon Road Co.; to the Committee on the Public Lands.

S. 4889. An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children; to the Committee on Military Affairs.

S. 4992. An act for the relief of William E. Lewis; to the Committee on Claims.

S. 4645. An act to authorize the Commissioners of the District of Columbia to close upper Water Street, between Twenty-first and Twenty-second Streets NW.; to the Committee on the District of Columbia.

#### ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:



H. R. 15682. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922;

H. R. 1300. An act for the relief of Alfred E. Lewis;

H. R. 15662. An act to extend temporarily the time for filing applications for letters patent, for taking actions in the United States Patent Office with respect thereto, for the reviving and reinstatement of applications for letters patent, and for other purposes;

H. R. 13402. An act for the purchase of land occupied by experiment vineyards near Fresno and Oakville, Calif.;

H. R. 15872. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922; and

H. R. 1856. An act for the relief of Arthur J. Burdick.

#### CONTINGENT FUND OF THE HOUSE.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 416) repealing a limitation upon expenditures from the contingent fund of the House for certain supplies.

Resolved, etc., That the following provision in the legislative, executive, and judicial appropriation act approved July 16, 1914 (38 Stat., p. 462), be, and the same is hereby, repealed, namely:

"Hereafter it shall be unlawful for the Clerk of the House to pay out of any moneys of the House of Representatives any bills for laundry, furniture, supplies, or utensils used in the barber shops of the House Office Building or the House side of the Capitol."

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that that is not a privileged resolution.

Mr. IRELAND. It is not a privileged resolution, and I ask unanimous consent for its consideration.

Mr. HUDDLESTON. I object.

The SPEAKER. The gentleman from Alabama objects.

Mr. IRELAND. Will the gentleman withhold his objection for a moment?

Mr. HUDDLESTON. I will reserve it.

Mr. IRELAND. Mr. Speaker, this seems to be a charge on the contingent fund. As a matter of fact, it is an effort to work economy, to repair chairs in the several barber shops that the Members of the House patronize—chairs which have fallen into bad repair. Several Members have fallen out of them and some of them have been slightly injured. [Laughter.] Very soon new furniture will have to be purchased if these repairs are not made.

The Clerk of the House and the disbursing officer have established a repair shop, which is doing wonderful work. Much of the furniture which you think is new about the Capitol is restored furniture. These chairs and other furniture about the barber shops might be repaired and put in good condition at a slight expense, thus avoiding the expense incident to the purchase of new furniture, if it were not for the existing law. That occurred through the pique of some Member, who hung it on an appropriation bill as a rider. That is the whole intent of the resolution.

Mr. Sisson. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. Sisson. A session or two ago there was an effort made to require the barbers in the barber shops to pay for the laundering of their own towels and to furnish their own barber utensils, the feeling being that when we furnish the water and furnish the chairs and furnish the shops free of charge that is all that is necessary. The proposition contained in this resolution will simply enable the barbers, who are paid by the Members and other people who patronize them, to get that laundry done at the expense of the House. So far as the repairing of this furniture is concerned, there is no reason why that can not be done now without any resolution, because all the other furniture around the Capitol is being repaired now. So this resolution simply enables these barbers to have their laundering done at the expense of the House.

Mr. SNELL. Are these barbers on the pay rolls of the House?

Mr. IRELAND. I understand they are, as laborers.

Mr. SNELL. We pay them for their work in the barber shop, and they are paid in addition to that.

Mr. IRELAND. I believe they are on the rolls as laborers.

Mr. KING. Is it not a fact that they do work as laborers?

Mr. IRELAND. Yes.

Mr. SNELL. They get paid by the House, and we pay them. In that way they get double pay.

Mr. KING. The House does not pay them for their work as barbers, but for the work they do as laborers.

Mr. SNELL. How much work do they really do?

Mr. IRELAND. I do not know. I have not followed them around to see.

Mr. SNELL. I did not know but the gentleman knew something about it.

Mr. IRELAND. They have certain duties about the House. They clean the Hall of the House.

Mr. SNELL. It seems to me if we are paying them for their work as barbers, and if they are carried on the pay roll, they should at least pay for their own laundering.

Mr. KING. Does not the linen in the barber shop belong to the Government?

Mr. IRELAND. That is my impression.

Mr. KING. Why should the barbers pay for washing the Government's linen?

Mr. HUDDLESTON. Without discussing the merits of the proposed change in the law, how does the gentleman justify legislation coming from his committee? Does not the gentleman think it is bad practice for his committee to be proposing changes in the law?

Mr. IRELAND. I presume that is a proper criticism, though the Committee on Accounts is not prohibited from submitting legislative measures. It may be presumptuous—

Mr. HUDDLESTON. We have a number of committees here which are engaged in dealing with subjects of that kind, which come within their jurisdiction.

Mr. IRELAND. The gentleman can follow his own judgment about the matter.

Mr. HUDDLESTON. I hoped the gentleman would have some information that would indicate to me that this was not a proper case for an objection.

Mr. IRELAND. The gentleman must understand that the Committee on Accounts has to introduce a good many resolutions at the request of the employees of the House. Now, the Committee on Accounts is not running around to see that every wastebasket is emptied or that every laborer does his full duty in every little detail. We place confidence in the employees of the House in charge of such matters, and a reasonable request from them should not meet with disfavor.

Mr. HUDDLESTON. But the committee would not give countenance to a request which was beyond its jurisdiction, and it seems to me a request to recommend a change in the law is beyond the jurisdiction of the Committee on Accounts.

Mr. IRELAND. This resolution was referred to the Committee on Accounts. We did not question the Speaker's judgment in so referring it.

Mr. HUDDLESTON. I think I will have to insist on my objection.

The SPEAKER. The gentleman from Alabama objects. Has the gentleman from Illinois anything further to present?

Mr. IRELAND. No.

#### TELEGRAPHS AND TELEPHONES.

The SPEAKER laid before the House the following message from the President, which was read and referred to the Committee on the Post Office and Post Roads:

To the Senate and House of Representatives:

Pursuant to the provisions of an act of Congress entitled "An act to repeal the joint resolution entitled 'Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war, and to provide just compensation therefor,' approved July 16, 1918, and for other purposes," approved July 11, 1919, I am transmitting herewith a report made by Albert S. Burleson, Postmaster General of the United States, supplementing the report of October 31, 1919, and giving a final account and report of the financial operations of the telephone and telegraph systems by the United States during the period beginning August 1, 1918, and ending July 31, 1919, and of the expenditures from the appropriation in the act approved June 5, 1920, reading as follows:

For payment of the deficit incurred in the operation of the telegraph and telephone systems during the period of Government control and to carry out the provisions of the joint resolution approved July 16, 1918, and the act approved July 11, 1919, with reference to just compensation to the owners of the telegraph and telephone systems for the supervision, possession, control, and operation of their properties by the United States during the period beginning midnight, July 31, 1918, ending midnight, July 31, 1919, \$14,000,000, to remain available until June 30, 1921.

WOODROW WILSON.

THE WHITE HOUSE,

25 February, 1921.

NOTE.—Report accompanied similar message to the Senate.

## CONTESTED-ELECTION CASE—FARR AGAINST McLANE.

Mr. DALLINGER. Mr. Speaker, I desire to call up the contested-election case of Farr against McLane, tenth congressional district of Pennsylvania, and I move the adoption of the resolutions at the end of the report of the committee.

The SPEAKER. The gentleman from Massachusetts calls up the contested-election case of Farr against McLane and moves the adoption of the resolutions which will be reported by the Clerk.

The Clerk read as follows:

House resolution 697.

Resolved, That Patrick McLane was not elected a Member of the House of Representatives from the tenth congressional district of the State of Pennsylvania in this Congress and is not entitled to retain a seat herein.

House resolution 698.

Resolved, That John R. Farr was duly elected a Member of the House of Representatives from the tenth congressional district of the State of Pennsylvania in this Congress and is entitled to a seat herein.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent that debate on these resolutions be limited to two hours and a half, one hour and a half to be controlled by the gentleman from North Carolina [Mr. ROBINSON], a member of the committee, who will yield part of his time, as I understand, to the contestee, who is a Member of the House, and the other hour to be controlled by myself.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that debate on this case be limited to two hours and a half, one hour to be controlled by himself and an hour and a half by the gentleman from North Carolina [Mr. ROBINSON]. Is there objection?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, may I ask the gentleman from Massachusetts, if this time is agreed to, whether there will be anything taken up to-night other than to dispose of this contested-election case?

Mr. DALLINGER. I understand that the conference report on the immigration bill is coming in.

Mr. MONDELL. We hope to dispose of the conference report upon the immigration bill.

Mr. JOHNSON of Washington. Mr. Speaker, further reserving the right to object, is it not possible to reduce the time for debate to two hours, inasmuch as the committee has filed a unanimous report?

Mr. DALLINGER. The only reason that I have asked for two hours and a half is to be fair to the contestee. The members of the committee on both sides want to speak, and I thought if we would give the gentleman from North Carolina an hour and a half, he could take care of the contestee [Mr. McLANE] out of that time.

Mr. CANNON. How about the contestant? Ought he not have a chance to air his immortality? [Laughter.]

Mr. DALLINGER. I understand that, inasmuch as it is a unanimous report, the contestant does not desire to be heard.

Mr. MONDELL. The report is unanimous?

Mr. DALLINGER. Yes.

Mr. MONDELL. It does not seem that so much time is required. Does not the gentleman think it would be possible to get along with two hours?

Mr. DALLINGER. How much time does the gentleman from Pennsylvania [Mr. McLANE], the contestee, desire?

Mr. ROBINSON of North Carolina. He has stated that he would want at least 30 minutes. Of course, if he does not consume all of that time, he will yield it back. Judge BLAND of Virginia wants 30 minutes; he is a member of the committee.

Mr. Sisson. Mr. Speaker, in view of the fact that the contestee has a unanimous report against him, I think the chairman of the committee has been eminently fair in giving such time as will enable the contestee to have an opportunity to speak.

Mr. DALLINGER. Mr. Speaker, I do not consider that I have made an unreasonable request under the circumstances.

Mr. EMERSON. This just beats this man out of a week's pay. That is about all it is, and I do not see why it is such an important matter.

Mr. KNUTSON. But there is a principle involved.

Mr. DALLINGER. Mr. Speaker, I repeat my request.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the time for debate be limited for two hours and a half, one hour to be controlled by himself and an hour and a half by the gentleman from North Carolina.

Mr. DALLINGER. And that at the end of that time the previous question be considered as ordered on both resolutions.

The SPEAKER. And that at the end of that time the previous question be considered as ordered on both resolutions. Is there objection?

There was no objection.

Mr. DALLINGER. Mr. Speaker, I am very sorry that this case has come up at a time of the day when there is a small attendance of Members of the House, because I understand there has been some criticism in regard to delay in reporting upon and disposing of contested-election cases. The question of contested-election cases is determined by a statute passed by the Congress. We have three Committees on Elections. For a long time in the history of the country there was but one Committee on Elections. Three committees were created because of the fact that one committee was totally unable to take care of all of the contests before the expiration of the Congress. These contested-election cases are matters involving fact and law, and the Committees on Elections are judicial tribunals. They act as both judge and jury. After having heard the facts and applied the law, they make their report to the House, and the House either accepts or rejects their report. It is a difficult task to exhaustively investigate and report on one of these contested-election cases, and I want to say for the Committee on Elections No. 1, of which I have the honor to be chairman, that no criticism whatever can be justly made against that committee for any delay in this case. This is the sixth report that we have made in this Congress. We have been constantly at work from the time the first session of the present Congress was called down to the present moment.

This case of Farr against McLane came to us late last spring. It was a case with a very voluminous record. I hold in my hand the record of the testimony, 1,371 pages of fine print, and in addition we had sent to us two great mail sacks of exhibits containing voting lists and poll books. The committee took up this case and the different districts involved were referred to subcommittees, each consisting, as far as possible, of one Republican and one Democrat. The committee worked until the adjournment of Congress in June. At that time we had not anywhere near finished the case. Just as soon as Congress came together in December we went to work at it again, and I have worked night and day and some other members of the committee have, in order to try and get this report made to the House.

Since our report was made we have been waiting for some little time to get a chance to have the report acted upon. To be sure, we had the right of way under the rules of the House, but we felt, in justice to the House, that we ought to let the conference reports on appropriation bills be taken up first because they had to go back to conference while contested-election cases are finally disposed of on the floor of the House.

Mr. Speaker, it has been a source of pride to me that with the exception of the case of Bodenshtab against Berger, which we have just finished, where one Republican member of the committee filed a minority report, we have in every case had a unanimous report. Our committee has endeavored to consider and decide these election cases absolutely on their merits regardless of any partisan or personal considerations. Although the Committee on Elections No. 1 consists of six Republicans and three Democrats, we brought in a unanimous report in favor of the sitting Democratic Member, Mr. BLAND of Missouri. We brought in a unanimous report in favor of Mr. MAJOR, of Missouri, another Democratic sitting Member. And now we are asking your favorable consideration of a unanimous report unseating a Democratic Member from the State of Pennsylvania and seating his Republican contestant.

If there ever was an occasion when the membership of this House is obliged to rely on the committee, it is a case like the present, involving a large number of election districts, in most of which the contestant claims there was fraud and illegality, and a few in which the contestee claims there was fraud and illegality, and in all of which we had to see whether the claims in the briefs were substantiated by the testimony. In order to give you some idea of the magnitude of this case and the immense amount of work involved, I want to call attention to the fact that the contestant's brief—which, I may say, is one of the most complete and clear briefs I ever had the good fortune to see, where he makes his specific charges in each district and gives the pages of the testimony upon which he relies—contains 306 printed pages. I want to say that the committee, in making its report, has given the benefit of the doubt to the contestee in every case. Personally, I believe that there were a great many more illegal votes than the 1,006 which the committee found and specifies in the report.

Mr. DEWALT. Will the gentleman yield?

Mr. DALLINGER. I will.

Mr. DEWALT. The gentleman speaks of 1,006 illegal votes. What evidence was there that there were that number of illegal votes—upon what ground were they cast out?

Mr. DALLINGER. On various grounds.



Mr. DEWALT. Will the gentleman specify one?

Mr. DALLINGER. There were a good many cases where men were returned as having voted on the poll books who, on their own testimony, never voted at all. I may say, in passing, that under the laws of Pennsylvania the election officials are supposed to write down the names of the voters as they appear at the polls.

Mr. DEWALT. I think the gentleman is wrong about that. If he will permit me, I do not mean to say that his knowledge of the Pennsylvania laws is less accurate than mine. The system is this, that as the voter appears he is asked to deposit his ballot. He has been registered, either as a Democrat or as a Republican or as a nonpartisan; and then he asks for his ballot. But there is no registration at the time he deposits that vote as to what party affiliation he belongs to.

Mr. DALLINGER. I was not referring to the party affiliation. The poll book is numbered consecutively, and when the voter comes to the polling place the election officials write down his name as voter No. 1, and so forth.

Now, where it was charged by the contestant that a man whose name appeared on the poll book as having voted did not vote on election day, and he was summoned in to testify and testified that he was sick in bed with the influenza, an epidemic of which was raging at the time of this election, and did not vote, the committee considered that was evidence that somebody else voted on his name, and that it was an illegal vote. There were also numerous cases of men who were fighting overseas and their names were voted on.

Mr. STEVENSON. Will the gentleman yield?

Mr. DALLINGER. I will.

Mr. STEVENSON. As to the man whose name was on the ballot as having voted and did not vote, was there any evidence to show for whom he voted, or was it because some fellow impersonated this voter when he voted?

Mr. DALLINGER. I will come to that.

Mr. DEWALT. Supplementing that, if the gentleman will allow me to interrupt him.

Mr. DALLINGER. Certainly.

Mr. DEWALT. The gentleman has spoken of 1,006 votes?

Mr. DALLINGER. Yes.

Mr. DEWALT. Could the committee determine for whom those 1,006 votes were cast?

Mr. DALLINGER. I am coming to that in just a moment.

Mr. DEWALT. Very well.

Mr. DALLINGER. There were a great many cases where minors under 21 years of age were induced to make false affidavits and then permitted to vote.

Mr. DEWALT. Will the gentleman allow another interruption? Without regard to the specific fact that certain people voted who were not entitled to vote, it seems to me that the basic question is this, For whom did those people vote?

Mr. DALLINGER. I am coming to that.

Mr. DEWALT. I would like for the gentleman to come to it now.

Mr. DALLINGER. I will come to that in a moment when I have answered the gentleman's first question. There were a great many cases in the districts mentioned in the contestant's notice of contest and in his brief and substantiated by the testimony where a large number of men were permitted to vote whose names were not on the voting list and who did not make any affidavit on election day before the election officials as required by the laws of the State of Pennsylvania.

Mr. DEWALT. Another interruption.

Mr. DALLINGER. Certainly.

Mr. DEWALT. Is the gentleman now through? Has the committee definite information as to whom or for whom these people voted?

Mr. DALLINGER. Just a minute; let me complete my answer to the gentleman's first question.

Mr. DEWALT. I know the gentleman is coming to that, but I would like to know this now.

Mr. DALLINGER. There were a great many cases of unnaturalized persons who testified that they said that they were unnaturalized and protested that they had no right to vote, but who were told that they could vote and were taken to the polls after having been treated at one of the hotel bars in the neighborhood, and ballots were given to them and marked for them by the election officers themselves or by persons acting in collusion with the election officers. Now, it is perfectly evident from the testimony, verified by the committee by an examination of the original poll books and the voting lists and giving the benefit of every doubt to the contestee, that there were at least 1,006 illegal votes. Now, the question comes as to the method to be pursued by the committee.

Mr. DEWALT. Will the gentleman allow me?

Mr. DALLINGER. I am answering the gentleman's question now. There is a long line of State and congressional precedents which hold that where there has been a reckless and flagrant disregard of the election laws of a State an elections committee and a legislative body is justified in throwing out the entire returns from districts where such conduct has occurred on the ground that the returns from the districts in question are totally unreliable and that no certainty as to the truth of what took place at the election can be ascertained, and there is no State, I may add, where the courts have gone further in throwing out entire election districts because of such disregard of election laws by the officials as the gentleman's own State of Pennsylvania.

Mr. DEWALT. Well, our State is a Republican State, and that may be the misfortune of the fact, but will the gentleman allow me to inquire now. The gentleman has spoken of 1,006 illegal votes.

How many of those 1,006 were called before you? How many witnesses were called to prove the illegality of those 1,006 votes?

Mr. DALLINGER. I will say to the gentleman that we did not try the case all over again. As in all election cases, we went by the testimony taken in the congressional district in the manner prescribed by the congressional statute, and verified by an examination of the voting lists and the poll books.

Mr. DEWALT. Will the gentleman allow another inquiry?

Mr. DALLINGER. Certainly.

Mr. DEWALT. Before whom was this testimony taken, and by whom?

Mr. DALLINGER. It was taken in accordance with a congressional statute, before a notary public, where all the witnesses were examined by counsel for the contestant and cross-examined by the counsel for the contestee.

Now, in order that the House may understand what went on at this election, I want to call the attention of the Members to a sample piece of testimony printed on page 7 of our report.

Mr. STEVENSON. Will the gentleman yield?

Mr. DALLINGER. I will.

Mr. STEVENSON. Before you come to that, I want to ask this question: You made the statement that in nearly all the States where gross and palpable fraud is found in elections they throw out the whole election. Most of the States, when they make that holding, however, do not hold the contestant has the right to the office. When the whole thing is thrown out and held vicious for fraud, nobody has the office. On what ground does the gentleman place that?

Mr. DALLINGER. Mr. Speaker, in reply to the gentleman from South Carolina, I will say that perhaps he misunderstood me. If there has been fraud and illegality and reckless and intentional disregard of the election laws of a State in all the precincts of a congressional district, the gentleman is correct in the supposition that the committee would throw the entire vote of the district out and declare the seat vacant. But that is not the case here. In the city of Scranton, which comprises the larger part of this congressional district in the matter of population, where both the contestant and contestee reside, there is no charge on either side of fraud or illegality. It is only in certain election districts, peopled to a large extent by people not speaking the English language, where the issue was "wet and dry," that in order to beat this contestant because he voted for the prohibition amendment wholesale fraud was resorted to in the interest of the contestee. It was in those election districts where the contestant had no friend on the election board to protect his interests, because they were all wet men, whether they were Republicans or Democrats. It was in those election districts where this utter reckless disregard and violation of the election laws took place from the time the polls opened until they closed.

Mr. DEWALT. With due deference to the gentleman and without desiring to interrupt the course of his argument, may I quote from page 12?

The SPEAKER. Does the gentleman from Massachusetts yield?

Mr. DALLINGER. Certainly.

Mr. DEWALT. I quote now from page 12, in the last three or four lines of that page, in the summary, in which your committee has said:

In a vast majority of these cases there is no way of ascertaining for whom these illegal votes were cast for the office of Representative in Congress.

Now, let me paraphrase that. If that be correct, and if that be the conclusion of your committee, how is your committee able to determine that the contestee is not entitled to this

sent by reason of the fact that you do not know as to whether these votes were for him or against him?

Mr. DALLINGER. I will say in answer to the gentleman that, following a long line of congressional and State precedents, in our opinion our committee would have been justified in throwing out the entire votes of all those election districts. Pursuing this method, John R. Farr, the contestant, is found to be elected by a plurality of 2,420 votes. Pursuing the method of rejecting no districts but deducting the illegal votes pro rata from the votes of the two candidates, John R. Farr, the contestant, is elected by a plurality of 476 votes. Pursuing the method adopted by the committee of rejecting entirely the returns of these districts where there was fraud and collusion, and deducting pro rata the illegal votes in those districts where there was simply the voting of persons not properly registered, John R. Farr, the contestant, is elected by a plurality of 1,454 votes.

Mr. DEWALT. Will the gentleman allow me to interrupt him again?

Mr. DALLINGER. Certainly.

Mr. DEWALT. Is that merely a personal opinion or is it based upon precedents in law?

Mr. DALLINGER. It is based upon precedents in law.

Mr. DEWALT. Now, where is the law for it?

Mr. DALLINGER. There are so many of them that I can not give them all to the gentleman. I will give him one, however, in the present Congress—the case of Tague against Fitzgerald, where because of colonization and illegal registration several precincts were thrown out. In the case of Wickersham against Sulzer, in the last Congress, the committee adopted the method of deducting illegal votes pro rata.

Mr. BEE. I understood the gentleman from Pennsylvania to read from the summary that in the majority of cases there was no way to ascertain. It seems, however, that your committee ascertained, as shown on page 11, that in the Carbondale district 8 illegal votes were cast for Farr, the contestant, and that in the fifth ward there were 3 cast.

Mr. DALLINGER. And we subtracted them all from Mr. Farr's vote.

Mr. BEE. You were able to ascertain the illegal votes cast for the contestant, but not for the contestee, and on that ask to have the contestee unseated?

Mr. DEWALT. Will the gentleman yield?

Mr. DALLINGER. Let me answer the gentleman from Texas first. The gentleman is entirely in error. In the cases in the city of Carbondale the contestee summoned these men. He claimed there were 73 illegal votes. Only a certain number of those did he see fit to summon. Those that he summoned testified and were asked for whom they voted.

Where they said they voted for John R. Farr, although they were on the voting list, the committee threw them out and deducted them from Mr. Farr's vote, because it was found, as a matter of fact, by the committee that they were illegally registered by the county commissioners; that they were put on the voting list by the county commissioners on sworn affidavits that they had been absent from the city or prevented by illness from going and registering during the three days that the board of registrars were in session in that particular locality; and therefore the committee found that they should not have been registered, for the reason that they were not prevented from registering by illness or unnecessary absence, although they were on the official voting list, and where they were shown to have voted for Mr. Farr we deducted them from Mr. Farr's vote.

#### RECESS.

The SPEAKER. The hour of 6 o'clock having arrived, the House stands in recess until 8 o'clock.

Thereupon (at 6 o'clock p. m.) the House stood in recess until 8 o'clock p. m.

#### EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

#### CONTESTED-ELECTION CASE—FARR AGAINST McLANE.

The SPEAKER. The gentleman from Massachusetts [Mr. DALLINGER] is recognized.

Mr. McCLINTIC. Mr. Speaker, this is a very important subject, and I think we ought to have a quorum here. I make the point of no quorum present.

The SPEAKER. The gentleman from Oklahoma makes the point that no quorum is present. Clearly there is no quorum present.

Mr. MONDELL. I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Ferris	Klecza	Reavis
Anderson	Fish	Kreider	Reed, N. Y.
Andrews, Md.	Flood	Langley	Rhodes
Anthony	Focht	Lehibach	Riordan
Ashbrook	Fordney	Lonergan	Rogers
Ayres	Frear	Longworth	Rowan
Bacharach	Freeman	Luce	Rubey
Baer	Gallagher	Lufkin	Sanders, La.
Barkley	Gandy	Luhning	Sanders, N. Y.
Bee	Garner	McAndrews	Scott
Bell	Glynn	McFadden	Scully
Benson	Godwin, N. C.	McGlennan	Sears
Britten	Goldfogle	McKenzie	Sims
Browne	Good	McKinley	Sinclair
Brumbaugh	Goodall	McKinley	Small
Butler	Goodwin, Ark.	McLeod	Smith, N. Y.
Caldwell	Goodykoontz	McPherson	Snell
Candler	Gould	Madden	Snyder
Cannon	Graham, Ill.	Magee	Steagall
Carew	Graham, Pa.	Maher	Steele
Casey	Griffin	Major	Steenerson
Clark, Mo.	Hamill	Mann, S. C.	Stevenson
Classon	Hamilton	Martin	Stiness
Cooper	Harrell	Mason	Strong, Kans.
Copley	Haugen	Mays	Strong, Pa.
Costello	Hays	Merritt	Sullivan
Crago	Hersey	Montague	Taylor, Ark.
Cramton	Hersman	Moon	Thomas
Crisp	Hill	Mooney	Timberlake
Curry, Calif.	Howard	Moore, Va.	Tinkham
Davey	Huddleston	Morin	Towner
Davis, Minn.	Hudspeth	Mott	Treadway
Dempsey	Hulings	Mudd	Vare
Denison	Hull, Tenn.	Nelson, Wis.	Venable
Dent	Husted	Nicholls	Vinson
Dickinson, Mo.	Ireland	Oldfield	Walters
Domick	Jacoway	Oliver	Ward
Donovan	James, Mich.	Olney	Watkins
Doolling	Jeffers	Paige	Webster
Doremus	Johnson, S. Dak.	Parker	Welty
Doughton	Johnston, N. Y.	Patterson	Whaley
Drewry	Jones, Pa.	Pell	White, Me.
Dunn	Kahn	Peters	Wilson, Ill.
Eagle	Kelley, Mich.	Phelan	Wingo
Elliot	Kelly, Pa.	Pou	Wise
Ellsworth	Kendall	Purnell	Woodyard
Elston	Kennedy, Iowa	Rainey, Ala.	Yates
Esch	Kettner	Rainey, Henry T.	Young, N. Dak.
Evans, Mont.	Kiess	Rainey, John W.	Zihlman
Evans, Nev.	Kincheloe	Ramseyer	
Fairfield	Kitchin	Ransley	

The SPEAKER. Two hundred and twenty-four Members have answered to their names. A quorum is present.

Mr. MONDELL. I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. DALLINGER. I reserve the balance of my time.

Mr. ROBINSON of North Carolina. Mr. Speaker, I yield 20 minutes to the gentleman from Virginia [Mr. BLAND], a member of the committee.

Mr. BLAND of Virginia. Mr. Speaker and gentleman of the House, there is a common ground on which I think Democrats and Republicans as patriots may meet to-night, and that is to do justice. [Applause.]

I have no doubt that it is the desire of every Member of this House, as it has been the desire of every member of this committee, to deal fairly, justly, and honestly between these respective contestants, regardless of party politics or any other issue that may be involved. The question is for you. If we have been wrong, reverse us. If we have been right, then find in accordance with the report of this committee.

If there is any man in this House who desires to serve on an election committee, I seriously question his sanity. [Laughter.] Gentlemen, this committee has been through a record of over 1,300 printed pages, and whatever others may have done, so far as I am concerned I say to you now, gentlemen, that I have read every line of that testimony and read every line of the briefs and have considered that testimony in connection with the briefs, in order to arrive if possible at a fair conclusion. [Applause.]

We have involved in this case on the part of the contestant 20 election districts. Some of those involve only the question of illegal voters, unregistered persons. Others involve the question of fraud.

Gentlemen, to consider this case in all of its aspects and in all of its bearings I submit that you have got to go back to the time when Mr. McLane announced himself a candidate for Congress.

Bear in mind that there was no nomination in prospect on the part of the Democrats. Mr. McLane saw Mr. Murphy, city editor of the Scranton Times, and desired that he should



announce that, if there were no other candidates, he himself would be a candidate. The evidence shows that they saw that Farr was riding as they say to a fall. Why? Because he had voted for prohibition and because he had voted in favor of the restriction of immigration or against immigrants coming into this country, to a certain extent, restricting them. Mr. McLane saw Mr. Murphy about running for Congress. He expressed his thought that rather than to go quietly around the country seeing this person and that person, knowing all the party workers he felt he could go to a large number of them and get their support, and that then by putting up an aggressive fight he would be able to win out. McLane had been a member of the Democratic county committee from time to time for a number of years. McLane contemplated considerable newspaper publicity as a part of his campaign, as evidenced by the testimony of his friend and supporter as follows:

A campaign for mayor upon that kind of a campaign that you now say you understand McLane means when he used the words aggressive campaign? Oh, yes; to go out before the people with newspaper publicity.

Now, gentlemen, when you go to the account that has been filed by the McLane campaign committee you find over \$5,000—approximately \$5,500—spent for advertising alone. The people who testified said that there never had been in that district such a newspaper publicity campaign, and that McLane was unable to get out but he made up in printers' ink what he lost in the way of holding meetings.

Why do I bring this to your attention, gentlemen? Just here let me say that I think there was too much money spent by all parties in this campaign. The Republican county committee spent too much money, but you can not connect Farr with it. The evidence is lacking to show that he knew anything more than his contribution and expenditure on his part of \$2,000 that he contributed to the Republican county committee. There was a McLane committee that was organized in October, 1918. There was spent by this committee approximately \$10,000. Every dollar of the McLane campaign committee—except the sum of \$200 was contributed by liquor dealers and by brewers.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BLAND of Virginia. No; I can not yield. I have only a limited time and I want to conclude, so that Mr. McLane may have an opportunity to reply to what I say. Mr. McLane, I submit, was charged with knowledge of this enormous expenditure. He saw the advertisements daily appear in the newspapers; he carried Mr. O'Toole, the man who made the cartoons, to the Democratic county committee.

These committees were holding their sessions at two places. McLane says that he knew nothing about the McLane campaign committee. His own friend, Huffnagel, testified that he was present at the Hotel Casey at meetings of the county committee along with the McLane campaign committee. Can he say, gentleman, when the McLane campaign committee was meeting a block and a half down the street from the headquarters of the Democratic county committee—the two headquarters being maintained in the same town, within a block and a half of each other—that he did not meet the McLane committee in connection with the Democratic county committee? Can he say that he did not know that there was a McLane campaign committee?

Furthermore, you will find over \$5,000 of newspaper advertisement paid by a man by the name of Bosack, who was a member of the McLane committee, and it was paid back by the McLane campaign committee.

That is the situation, and I can only touch it in the high places. Do you think under these circumstances he would not know of the existence of the McLane campaign committee? There is no evidence, so far as Farr is concerned, beyond his contribution of \$2,000 to the Republican county committee.

Now, gentlemen, I must go on. The illegal votes have been deducted proportionately, and that matter has been discussed. I will not discuss it further.

Gentlemen, I want to call your attention in connection with this situation to some of the evidence to show fraud at some of these precincts.

Mr. GARRETT. Will the gentleman yield?

Mr. BLAND of Virginia. I have but very little time.

Mr. GARRETT. Is there any evidence as to the amount which the Republican committee expended?

Mr. BLAND of Virginia. There is an account that the Republican committee spent approximately \$10,000, and I say they spent too much. I think somebody ought to be prosecuted, and if the law does not provide for prosecution, it should; but how can you hold Farr responsible when his contribution is the sum of \$2,000 and there is no evidence to show any further knowledge on his part?

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. BLAND of Virginia. I can not yield any further.

Mr. LINTHICUM. But the gentleman talks all on one side and will not answer any questions.

Mr. BLAND of Virginia. I am going to present the case as I see it, and if gentlemen want to vote the other way, they can do it. It is entirely immaterial to me.

Mr. LINTHICUM. We will do it, all right.

Mr. BRAND. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman has declined to yield.

Mr. BLAND of Virginia. I decline to yield.

Mr. BRAND. But the gentleman did not decline to yield to me.

Mr. BLAND of Virginia. I can not possibly yield. My time is almost up now. I want to call attention to some of the evidence of fraud. I wish it were possible to read all of this evidence—how man after man was approached and asked to go to the polls in these different precincts where the vote was thrown out on account of fraud. In reply to the request to vote, the man would answer, "I am a foreigner; I am an alien; I have only my first papers," and yet the reply always came, "Why this is a wet and dry fight; go ahead; everybody is voting to-day"; and in other cases it was, "Wilson has asked everybody to vote, and everybody is going to vote." Here is just one precinct that I want to call attention to, Olyphant Borough, fourth ward. This is one of those which was thrown out. There were 46 more votes in the ballot box than there were names on the voting list. On the voting list there were contained the names of 204 persons.

There were such strong evidences of fraud at this precinct that, in my opinion, the returns must be rejected. Attention has been directed to the presence in the ballot box of 46 votes more than appeared on the voting list. The voting list was numbered. From numbers 1 to 23, inclusive, names appeared, then from 24 to 75, both inclusive, no names appear. The last name appearing on the voting list was opposite No. 256, but 52 names had been omitted. It appears from the evidence, page 377, that on the first page of the voting list there were 23 names; on the second page, none; on the third page, none; on the fourth, fifth, sixth, seventh, eighth, ninth, and tenth pages, 25 names each; and 6 on page 11; making 204 names in all. There were two blank lines on the first page. That night when the ballots were counted there were three more ballots than stubs. The officials would not sign the returns for this reason until the Monday following the election, when they signed under direction of the court. When they were in court, however, no one called the attention of the court to the fact that there were only 204 names on the voting list.

According to Onze, judge of election, when the election was over the stubs were counted, and they were found to be 204, page 332. This is significant, for it corresponds identically with the number of voters whose names were actually on the voting list. When it was seen that the stubs were 204, they looked at the last number on the voting list and found it to be 256. Then there were a few men who started to holler about it, that there were so many stubs short, and a few seconds after Charlie Simons walked around and picked up a pad of stubs from the floor near Charlie O'Boyle, and between him and the box. Onze had been handing out the ballots, and he had been separating them from the stub with a ruler and knife.

The stubs which were found on the floor were uneven and had been torn off (333). The edges were ragged. There were around 50 of these ballot stubs. These 50 brought them to about 3 or 4 of the voters as shown by the last name on the voting list. It will be remembered that in part there were 204 names on the voting list, but the last name appeared on line 256, so that it looked as though there were 256 votes so long as the list was not examined. The stubs first found on the table correspond with the actual number of voters but not the apparent number of voters. When the 50 stubs were found on the floor the stubs were 254, or 2 less than the apparent number of voters and 4 more than the actual ballots in the box.

This witness and the majority inspector say that they did not find out that night that there were only 204 names on the list. They were 10 or 15 minutes trying to find the stubs, and picked them up by the chair of Charlie O'Boyle. Charlie O'Boyle picked them up. According to the witness, Onze, the names 1 to 23 on the voting list were in O'Boyle's handwriting, except one name. The names from 76 to 157 were in O'Boyle's handwriting, except Nos. 105 and 106. At the time O'Boyle picked the stubs off the floor Ernest Simons, Republican watcher, said: "Well, you might be able to do that in Jessup, but you can't do it here."

According to Hartman, Republican watcher, Simons, another Republican watcher, picked up the ballots where O'Boyle was sitting. There was picked up a pad of stubs containing 50, he thinks, and he says, page 322:

It was a pad and the stubs picked off the floor was tore off ragged, where the other pads were tore straight. There was a ruler used to tear the stubs off.

Again the witness says that those that were picked off the floor were not the same as the judge had cut; they were torn off ragged, while he had cut them off with a knife.

The witness knew nothing of the blank pages on the voters' list.

This witness also says:

There was ballots read that come out of the box when they were counting them that had the ragged edge that would correspond with the ragged edges of the stubs on the floor (p. 323).

It is fair to state that there is evidence that after the polls closed at night the ballot stubs and different things were thrown on the floor. Simons says he put in a kick, and they were picked up. The floor was practically clean, so far as he could see. This was before the stubs were found. After the ballot stubs were counted there were 204, and everybody expressed surprise, as there appeared to be 256 names on the voting list. Mr. Simons says:

There was two hundred and fifty and some names on the list and 204 ballot stubs; and Mr. O'Boyle arose, and when he did I looked alongside of where he was sitting and I seen something rolled up, and I walked around behind the chair and picked it up, and I used the expression, "What the hell is this?" and I threw it on the table. It was fifty and some ballot stubs.

The witness says they were rolled up, and he straightened them out and counted them. This witness also says that they did not count the names on the voting list; they simply looked at the last name and number.

This witness also says that after dinner on election day he had a conversation with Charley O'Boyle. The witness says (p. 345):

He wanted to know who I was working for, and I told him a straight Republican ticket, and he asked me would I have any objections to going along on swapping votes, and I said what did he mean, and he said to give the votes in the box to McLane if he would give them to me for Davis. I asked if the Republican overseer was in on that, and he said, "Yes," and I said I could not give him an answer on that. It surprised me that the Republican overseer was in on a deal like that, and I walked away and left him.

That is the evidence at one of these precincts. If you will go to others, you will find where election officers were out asking men to come to vote, and when the men told them that they were not qualified to vote, that they were aliens—

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. BLAND of Virginia. Mr. Speaker, will the gentleman yield me five minutes more?

Mr. ROBINSON of North Carolina. I yield five minutes more to the gentleman.

Mr. BLAND of Virginia. Take some of these precincts, and you find what? You find men who were fighting on the other side who were apparently there voting that day; you will find again and again the names there of men who were dead who were voting on that day. That is the evidence. It should be considered. I could go on and take up these precincts one by one, and you will find that this evidence of fraud permeates all, and the question was, "Come on and vote, it is wet and dry to-day; come on, you want to vote wet."

Gentlemen, it was not a fight between the Republican and the Democratic Parties, it was a wet and dry fight. I wish it were possible to go on and give you all of the evidence in this case. I believe the committee has been as fair as it possibly could be. I know that I have studied this record as I never studied a record before in any case. The chairman of this committee has given every consideration to the other side in extending all of the time possible to examine these names.

Mr. BURKE. Mr. Speaker, will the gentleman yield?

Mr. BLAND of Virginia. I have only five minutes; I can not yield now. Well, I will try to answer the gentleman's question.

Mr. BURKE. I understand the gentleman to say that it was a wet and dry fight back in Scranton between Mr. Farr and Mr. McLane.

Mr. BLAND of Virginia. I do not recall that there is any evidence as to the Scranton district. I will say this: That it was a wet and dry fight in every one of these precincts that are in question here, and if you read the record you will find that to be so.

Mr. BURKE. How many dry members are there on this committee? [Laughter.]

Mr. BLAND of Virginia. I do not know anything about that. I have not considered that.

Mr. BURKE. Was there any other issue between these two men back in Scranton submitted to the committee?

Mr. BLAND of Virginia. The issue was fraud, which is all along the line, as in the Olyphant Borough, which I have read here before this committee. Any other issue? If you are casting votes in the name of dead men, I submit there is another issue.

Mr. BABKA. Is there any evidence who these fellows voted for?

Mr. BLAND of Virginia. No; we did not bring any of the dead back to life to testify. It was impossible to find out who was casting the vote for the dead men.

Mr. BABKA. But did they vote for Farr or for McLane? For whom did they count the votes?

Mr. BLAND of Virginia. If a vote is cast in the name of a man who is in the cemetery, how can they find out who cast the vote? [Laughter.]

Mr. BABKA. But why charge McLane with it?

Mr. BLAND of Virginia. Because there is fraud, and so long as I am on an elections committee of this House I shall vote against fraud wherever it appears. [Applause.]

Mr. BABKA. Was there any evidence which one committed the fraud?

The SPEAKER. The time of the gentleman has expired.

Mr. MEAD. Mr. Speaker—

Mr. DEWALT. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. DEWALT. In order that I may be entirely explicit, there were 1,006 votes—am I correct?—

Mr. BLAND of Virginia. I do not recollect. The gentleman has the report, and he will have to verify that.

Mr. DEWALT (continuing). Declared to be fraudulent. According to the report of the gentleman's committee it is determined that they can not determine how those votes were cast. Is that true?

Mr. BLAND of Virginia. They have deducted them proportionately except in the precincts that were thrown out. I have been practicing law long enough to know that I can answer in my own way, and I shall.

Mr. DEWALT. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. DEWALT. I have heard from the chairman of your committee. I ask that the gentleman's time be extended one minute.

Mr. BLAND of Virginia. All right; I have no objection.

Mr. ROBINSON of North Carolina. I yield one minute more to the gentleman from Virginia.

Mr. DEWALT. I understand from the argument that 77 witnesses have been examined out of 1,006. The testimony preserved by the committee is 77 out of 1,006—

Mr. DALLINGER. That is not correct; I did not—

Mr. DEWALT. Now, then, the committee has passed upon the evidence as presented. The committee determined by the testimony of 77 out of 1,006.

Mr. BLAND of Virginia. It is determined by the evidence of witnesses both sides introduced. If there were any other witnesses Mr. McLane wanted introduced before the committee, they could be summoned and the evidence taken. This committee arrived at its conclusion upon the evidence that came before it. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. ROBINSON of North Carolina. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. McLANE], the contestee. [Applause.]

Mr. McLANE. Mr. Speaker and gentlemen of the House, I am going to read from a prepared statement for about 15 minutes. After that I will permit any Member of the House to ask any question that he sees fit to ask pertaining to this contest. In order to clear up the few things which have been said by the gentleman from Virginia [Mr. BLAND] and the gentleman from Massachusetts [Mr. DALLINGER] relative to throwing out the votes which they claim were illegally cast, I would like both of them before I proceed to state specifically, if they can do so, how many witnesses were called in the contest proceedings by the contestant and myself. I want to get this fact before the House. The committee disqualified 1,006 voters, when as a matter of fact only 358 witnesses were called by contestant in the entire contest proceedings. The contestant did not disqualify a sufficient number of votes to overcome my majority. With only 358 witnesses called, where does the committee get the evidence to disfranchise 1,006 voters?



The question that you are going to decide to-day is not the unseating of Mr. McLane or the seating of Mr. Farr. You are deciding a far more important question. You are deciding whether or not a legally elected Democrat from the tenth Pennsylvania district has a right to sit as a Member of this House.

I say this for the reason that I am the second Democrat elected from the tenth Pennsylvania district in 30 years. Hon. George Howell was the other, and he, like myself, had contest proceedings instituted against him and was unseated without any justification for the act because he was honestly and legally elected. Eighteen years later I was elected only to find that I am to meet the same fate.

I am told that politics cut very little figure in a contest case, and I believe this to be true. I am fully satisfied that no Member of this House has any desire to vote to unseat a man because of his political affiliations, nor do I believe it is the intention of the Elections Committee to do so. However, I do believe it is the lack of knowledge of local conditions on the part of the committee that prompts the making of such a report as was submitted to this House. That was shown in the Connell-Howell contest—18 years ago—and I shall try to prove to the satisfaction of the Members present that it happened in this case.

I am not going to take the position that I did not receive some illegal votes. Where more than 23,000 votes are cast some illegal votes are liable to creep in. However, I am of the opinion that Mr. Farr received as many of them as I did.

The testimony will show the only illegal act proven in the election was an act of illegal registration committed in the interest of Mr. Farr by Mr. Histed.

Mr. JOHNSON of Mississippi. What did they do, kill him so that he could not testify?

Mr. McLANE. No; they gave him a job, and incidentally Mr. Histed was never brought to trial, notwithstanding that he was indicted by the grand jury of our county. On the contrary, he was given a job at the capitol at Harrisburg for efficient work.

Mr. LUHRING. Is that in the record?

Mr. McLANE. Yes, sir; it is in the record.

Mr. DEWALT. Will the gentleman yield?

Mr. McLANE. If the gentleman will remain patient.

Mr. DEWALT. But I would like to know right now.

Mr. McLANE. If the committee had taken the time to compare the Republican registration in the various districts with the vote returned for Mr. Farr, particularly in the city of Scranton, it would show conclusively that he was not beaten because of any fraud committed in my interest, but because the Republican voters failed to support him. Mr. Farr did not poll his party vote in any district in the city. He did not even poll his party vote in his home ward, which is strongly Republican.

He, nor his attorney, does not allege that any illegal votes were cast in my behalf in the city of Scranton; yet he ran 3,892 votes behind his party registration.

I wish to call your attention particularly to the charge that I conspired with others to defraud Mr. Farr out of his seat in Congress. If exercising the right of citizenship is conspiracy, then I am guilty.

In Pennsylvania we have our primaries for Congress in the month of May preceding the November election. We were within a few months of the primaries with Mr. Farr as the only candidate in the field for Congress on either ticket. There was a feeling among Democrats that he was unbeatable and that he should be reelected without opposition. Upon hearing this I immediately announced in the Scranton Times, the Democratic daily, that if no other Democrat sought the nomination for Congress I would accept it. As no other Democrat came forward I became the Democratic nominee. If becoming a candidate in this manner is conspiracy, then I am guilty; otherwise I am not.

Every Member knows there is no foundation for such a silly allegation in a contest proceeding, and the thing that Mr. Farr should have said when making out his bill of particulars is that it is illegal for the majority of the voters of the tenth Pennsylvania district to vote against him.

No doubt he feels justified in charging the brewers and wet voters with conspiracy for deserting the Republican Party. But he seems to lose sight of the fact that he benefited by their support in the campaigns of 1910 and 1914. I want to assure you also that he willingly accepted their support in both campaigns.

I wish to call your attention to the charge that there were many nonregistered votes cast in my favor. This is a pure fabrication and was conceived by Mr. Farr's attorney, Mr. Mosher, who is a past master at the art of political manipulation and has a reputation in our community for being able to cleverly perpetrate any and all the illegal acts which he alleges were committed in my interest.

This is the same Mr. Mosher who, after being indicted by the grand jury with two other gentlemen for committing an illegal act in the interest of a friend some years ago, escaped going to jail because the memory of one of the witnesses failed; the other two were found guilty and went to jail. The witness whose memory failed was given a job on the police force in Scranton, which position he holds to this day.

Is it not very strange that none of the men who were charged with committing these illegal acts or election frauds were not called before the grand jury?

Mr. Farr, with his 35 years' political experience, is not the novice that he is endeavoring to make this House believe he is. He is fully aware of the fact that proof of fraud would strengthen his case with the committee.

Mr. Farr, having represented a Republican district for four terms in this House, was defeated by the voters of his own party faith in a year when the Republican Party increased their representation in this House. No doubt he was very much disappointed and came here for redress.

I did not defeat Mr. Farr. The voters of the tenth Pennsylvania district defeated him. The campaign was fought out on issues which Mr. Farr voted upon in this House. It is the privilege of this House to give Mr. Farr something denied him by the voters of the tenth Pennsylvania district in the general election of 1918 and the primaries of 1920.

In our testimony we have proven that Mr. Farr benefited by the illegal registration in the city of Carbondale and we assumed that other irregularities occurred. Therefore, I asked for a recount of the votes cast in the districts which I attacked in the city of Carbondale, but was denied that right by the Elections Committee No. 1.

Let me make a comparison of the vote cast for Mr. Farr in the city of Scranton with the Republican registration. In the city of Scranton we have personal registration. The city consists of 22 wards, 4 of which showed a Democratic registered majority and 18 a Republican majority. I carried 11 wards, and Mr. Farr carried 11. The total Republican registration in 1918 was 7,787; the Democratic, 3,054. Mr. Farr only carried the city by 753 votes, thereby losing approximately 4,000 votes. Mr. Farr also ran behind the Republican vote in every district in the county. Heretofore these districts always went Republican. In 1918 they gave me a majority.

Let me call your attention to Mr. Farr's home ward. He resides in the second district of the twenty-first ward, city of Scranton. He lost 40 votes in this district. His ward showed a registered Republican majority of 318; he carried it by 64, thereby losing 258 votes.

I also wish to call your attention to the eleventh and nineteenth wards of the city of Scranton. The Republican registered majority was 514. I carried these two wards by a majority of 340, thereby making a gain of 854 votes in both wards.

The committee in its report recommends the throwing out of whole districts because they believe many men voted who were not registered. That is, in their opinion, sufficient reason to disfranchise thousands of voters.

The statement made by contestant that many who were not registered voted is incorrect if the election returns of 1917-1919 and 1920 as certified by the prothonotary's office are correct; or if the registration figures taken from the Republican county commissioner's office is any criterion to go by, the allegations are not only untrue but are put in for the purpose of deceiving this committee.

I do not think I ought to read the vote cast, inasmuch as it would take too long. So I ask unanimous consent, Mr. Speaker, that the figures be inserted in the Record.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record for the purpose indicated. Is there objection?

Mr. MCCLINTIC. Mr. Speaker, I want to say that if the gentleman wants to extend the figures in the Record, I have no objection.

The SPEAKER. The Chair hears no objection.

	Ward.	Dis- trict.	Congress, 1916.		Sheriff, 1917.		Congress, 1918.		Judge, 1919.		Congress, 1920.	
			Bur- schell, Demo- crat.	Farr, Repub- lican.	Schlager, Repub- lican.	Reap, Demo- crat.	Farr, Repub- lican.	McLane, Demo- crat.	Maxey, Republi- can.	O'Neill, Demo- crat.	Connell, Repub- lican.	McLane, Demo- crat.
Archbald	1	1	100	143	163	174	71	156	144	206	273	332
Do.	1	2	78	160	159	84	5	226	139	156	171	148
Do.	2		253	56	68	355	18	318	21	447	67	834
Do.	3		72	49	78	104	11	190	55	135	91	291
Dickson City	1		178	207	268	255	88	182	252	258	303	291
Do.	3		87	189	263	116	28	191	206	183	231	183
Dunmore	1	1	137	76	107	123	82	64	95	94	273	224
Do.	1	2	85	32	164	91	17	127	29	79	89	151
Do.	1	3	148	79	92	165	53	119	80	114	218	300
Do.	2	2	104	37	39	129	12	105	115	101	84	239
Do.	4		30	19	7	48	2	50	3	46	8	59
Olyphant	1		262	40	35	319	10	278	37	268	62	557
Do.	3	1	83	84	68	195	38	161	116	139	104	255
Do.	4		64	206	185	93	112	135	215	133	356	435
Lackawanna Township		1	167	28	43	239	11	239	24	231	28	256
Do.		2	92	32	28	124	7	106	17	134	45	467
Fell Township		3	80	55	75	108	19	76	80	149	103	137
Throop			196	273	369	335	108	250	471	248	622	363
Winton	2		162	104	179	251	24	196	169	259	137	531
Do.	3		141	94	184	137	16	184	153	243	145	345
Total			2,519	1,963	2,574	3,445	732	3,353	2,421	3,626	3,413	6,427

Mr. McLANE. Herein are the returns of the vote cast in the districts attacked for the years of 1917, 1918, 1919 and the male registration of 1920. The figures show plainly that there were hundreds of legal voters in these districts who did not cast a vote in the election of 1918. The returns show that less than 60 per cent of the voters cast their ballots in 1918. Only 23,000 out of the 40,000 voters cast their ballots. It was a Republican falling off, and I received the benefit of it.

Let us see what evidence the committee had to show that men who were not registered voted. Only the evidence of the county commissioners' clerks, and that evidence was so jumbled that it would not stand in any court. How did Mr. Mosher get his evidence? He was permitted to send a number of boys and girls to the county commissioners' office to make a copy of the registration books. The commissioners' clerks swore that said lists were certified copies of the registration books. The names on the supposed certified copies were then compared with the names on the voting check list, and if a letter was omitted in a name or a name misspelled, or even an "i" not dotted, the committee was led to believe that the men who voted were not on the registration books.

Mr. Farr did not call the county commissioners to testify to the correctness of the books. Why, gentlemen, 50 per cent of the legal vote of our district could be thrown out on this flimsy pretext, because I take it that about half of the names on the voting check lists are not spelled the same as they are on the registration books.

The evidence on page 550 will show how the testimony of John Lewis, a clerk in the county commissioners' office, got into the record. A careful perusal of it will prove that it was put in for the purpose of deceiving the committee.

That was conceived by Mr. Mosher and the clerks in the Republican commissioner's office for the purpose of deceiving this committee. Now, it is a well-known fact that in the districts attacked by Mr. Farr, in the election of 1916, when he was a candidate and was elected, they polled more votes in these districts than they did in 1918. They polled 1,800 more votes in 1917 than in 1918. They polled 2,000 more votes in the same districts in 1919 in the judicial contest. In the tenth congressional district in 1919 we polled 37,000 votes in a judicial contest against 23,000 in 1918.

Now, that is connected with a charge of Mr. DALLINGER that he did not have a man on the board anywhere. We have a law in Pennsylvania which permits both candidates to go into court and submit a name of an overseer and have him appointed by the court. He is the choice of the candidate or the party. So it disproves the statement of the gentleman from Massachusetts [Mr. DALLINGER] that he did not have a man in any of the districts.

The testimony of the Republican county chairman shows that Mr. Farr or the Republican county committee had a right to name a man in every election district to oversee the count as an additional safeguard.

The Republican chairman and the prothonotary said that the court appointed the men recommended by the Republican committee.

The returns show that Mr. Farr ran behind his party registration in every voting district in Lackawanna County except in the city of Carbondale, where the registration list was padded in his interest. We impounded the ballot boxes in these districts by a court order in the hope that we could have a recount of the votes made by Elections Committee No. 1. As I stated before, this privilege was denied us by said committee.

We feel that we should be granted the right to have a recount of the votes. Both sides in this contest called about the same number of witnesses. Contestant called about 358, and I called 330. Contestant did not disqualify a sufficient number of voters to overcome my majority, and the only way he can be seated is by throwing out the entire vote in the Democratic districts, as Elections Committee No. 1 has recommended. How easy, how unfair, and how dangerous that procedure is. A committee of this House, unfamiliar with conditions in the tenth Pennsylvania district, on the advice of a lawyer of questionable repute, disfranchised hundreds of legal voters in order to give a bonus to a defeated candidate.

Mr. Farr, through his attorney, Mr. Mosher, has tried to impress the Elections Committee with the idea that the foreign-born citizens of the tenth Pennsylvania district are undesirable citizens. There is no truth in this allegation. The contrary is true. These men mine our coal and ask only an opportunity to earn an honest living, and Mr. Farr or Mr. Mosher should not misrepresent them to this Congress simply because they think it bolsters up a bad case.

Most of them are Republicans, and have voted that ticket consistently for a good many years.

I am charged with conspiring with others to defraud Mr. Farr out of his seat in Congress.

I was a candidate from the 18th of May to the 5th of November and Mr. Farr never heard of a conspiracy until he was defeated. The conspiracy is as mythical as the McLane campaign—both came to life at the same time.

Mr. Farr, through the Scranton Republican, the Republican daily, called attention to the fact that this case was similar to the Newberry case when he started contest proceedings, as far as expenditure of money was concerned. I am not prepared to say whether it is or not; but I am prepared to say this, that I was not in position to violate the corrupt-practices act when I accepted the nomination. The gentleman from Massachusetts [Mr. DALLINGER] alleges that if the act is not enforced in my particular case it will become a farce. Now, it is rather strange that a gentleman can sit over on the other side of the Capitol for almost two years, when everybody knows he violated the law, when he has been indicted, and yet it is a farce if a Democrat retains his seat, but it is good law if a Republican retains his.

Inasmuch as we touched on this phase of the contest, I want to call the attention of the Republican Members to the items of expenditure in the recent election.

In the recent election my successful opponent spent \$32,000. I do not think you propose to put him out. I do not expect you will. There is no contest proceeding instituted against him. That is the fault of the lawmakers. He believes that by spend-



ing it through the Republican committee it is legal. At least, some of the gentlemen who made the unfavorable report on my case feel the same way about it.

Mr. BURKE. Will the gentleman yield?

Mr. McLANE. Yes.

Mr. BURKE. Is it your intention to contest the gentleman that is now elected to succeed you in Congress?

Mr. McLANE. I will say to the gentleman, no. The fight is all over and I am through. Two years hence I have redress if I see fit to take advantage of it.

His brother contributed \$9,000 to the Republican county committee, his brother-in-law \$13,500, and one of his mill foremen contributed \$5,500.

Mr. OLDFIELD. Whose brother?

Mr. McLANE. His brother, not Mr. Farr. I am talking about the recent election. I am talking about the corrupt practices act.

Now, gentlemen of the House, if there is anybody on either side of the House who wants to ask any questions about this case I shall willingly answer.

I thought I had made it plain to the Members how I became a candidate. I became a candidate conditionally. Mr. Farr was about to be endorsed by the Democratic Party. Of course, I did not want that, and I said to the members of the Democratic Party, and particularly to Mr. Murphy, of the Scranton Times, that if no other Democrat would take the nomination, I would do so. In the meantime we would try to get somebody to run on the ticket.

Mr. JOHNSON of Mississippi. Mr. Speaker, I want to ask the gentleman a question.

Mr. McLANE. Very well.

Mr. JOHNSON of Mississippi. The record shows that you made a report to Congress that you expended \$748.04. The record shows that the McLane campaign committee spent \$12,800. Did you appear before the committee and make a statement in regard to that? Did you deny that?

Mr. McLANE. No, sir. I denied that because I could not truthfully say so. This is what happened. The gentleman from Virginia [Mr. BLAND] misstated the facts. This is what happened: The election was very quiet until the 18th of October. Then I commenced the campaign through the Democratic organization. I had absolutely no connection whatever with the campaign committee, and there is not a semblance of evidence to show that I ever solicited one dollar from this supposed campaign committee. As a matter of fact there was no such thing as the McLane campaign committee until the expense account was filed, and I was as much surprised as any other citizen in our community on seeing it.

Mr. JOHNSON of Mississippi. You had nothing to do with it?

Mr. McLANE. I had absolutely nothing to do with it.

Mr. JOHNSON of Mississippi. The Newberry case shows that there was over \$100,000 spent in his behalf and that he had knowledge of a large part of it. He was tried by a Republican judge, convicted by a Republican jury, sentenced by a Republican judge to 10 years in the penitentiary, and yet there has been no charge brought against him in the Senate. I think that ought to go into the record.

Mr. McLANE. I want to say to the Members of the House that if I or any other Democrat in the tenth Pennsylvania district had violated any law, we would be brought before the grand jury and indicted. There is no question about that. Our district is strongly Republican, and I am the only Democratic official from that county. Every other man in the courthouse is a Republican, with the possible exception of a minority county commissioner, which the law provides we must have. Now, if Mr. Farr or the Republican committee of that county at that time, as they say, had no protection, I am at a loss to know why. [Laughter.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. McLANE. Will the gentleman from North Carolina let me have five minutes more?

Mr. ROBINSON of North Carolina. I yield to the gentleman five minutes additional.

Mr. CARAWAY. Has anybody been indicted for fraud in connection with the election?

Mr. McLANE. One Republican.

Mr. CARAWAY. Has he ever been tried?

Mr. McLANE. No. He was given a job at Harrisburg. [Laughter.]

Mr. CARAWAY. For being indicted?

Mr. McLANE. Yes. [Laughter.]

Mr. CARAWAY. I want to ask the gentleman another question. How much does the record show was spent for Mr. Farr in this campaign?

Mr. McLANE. About \$10,400, I think. I am not certain about that. Approximately as much as I expended, or our supposed committee expended.

Mr. CARAWAY. And he was as close to that as you were to the other fund?

Mr. McLANE. Of course he was. [Laughter.]

Mr. DALLINGER. Is it not a fact that Mr. Farr had no campaign committee, and that the \$10,000 to which you just referred was all the expense of the county committee for all the Republican candidates, from the governor down?

Mr. McLANE. I will say to the gentleman that that is a distinction without a difference. It was expended in his interest, just the same.

Mr. DALLINGER. Was not all the money expended by the Democratic county committee spent for you just the same?

Mr. McLANE. And for two other candidates. I had running with me a Democratic candidate for Senator, and we had a Democratic candidate for governor, who received the benefit of the money expended by the Democratic committee. The other committee I know nothing about.

The gentleman from Virginia [Mr. BLAND] laid particular stress on the point of the fourth ward of Olyphant. That ward is a Republican ward; always has been. I carried it by a small majority, I think a majority of 34, or thereabouts. That board is composed of a Republican judge, a Republican majority inspector, and a Democratic minority inspector.

Mr. JOHNSON of Mississippi. Mr. Speaker, will the gentleman yield for another question?

Mr. McLANE. Yes.

Mr. JOHNSON of Mississippi. Who controls the election machinery—the Republicans or the Democrats?

Mr. McLANE. The majority party in the district. Now six, I think, of the districts attacked, are Republican districts. The second district of the second ward of Archbald is a Republican district. The three districts of the Dickson City borough are Republican districts, and three of them are attacked; and incidentally I am informed that Mr. Farr sat with the third ward board of Dickson City while the votes were counted. Why, it seemed rather preposterous to think that one Democrat should defraud all those innocent Republicans in my district. [Laughter and applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. ROBINSON of North Carolina. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCCLINTIC], a former member of the committee.

The SPEAKER. The gentleman from Oklahoma is recognized for 10 minutes.

Mr. MCCLINTIC. Mr. Speaker and gentlemen of the House, I was a member of the Committee on Elections No. 1 when the greater portion of this testimony was heard. I feel that it is but fair to the House, to Mr. McLane, and to Mr. Farr that I should state just why I did not continue as a member of that committee until the time arrived to write the report on this case.

During the latter part of the month of December I was assured by the gentleman from North Carolina [Mr. KITCHIN] in the presence of the gentleman from Arkansas [Mr. OLDFIELD] that I would be given another committee assignment to fill a vacancy that existed at that time; and having confidence in the gentleman from North Carolina, I sent in my resignation to the Speaker. Then later on the committee met; some one threw me a curve, and from that time on I was left as a member of the Committee of the Whole. [Laughter.]

Mr. Speaker, it is unfortunate that two Members of Congress should have to contest for a seat in this great legislative body, and unless a person has had a contest for a seat in some legislative body, he can not have a conception of what one has to go through as a party to a controversy of this kind.

This House is confronted with a most remarkable spectacle here to-night. We have a man here whose seat is contested, standing alone, looking you all in the face and inviting every Member here to ask him any questions that they care to ask relative to this particular controversy. Not a single member of the committee stands by him, but he stands alone on the floor fighting single-handed for his rights, fighting in a way that entitles him to receive the praise of every Member who hears or sees his attitude in this connection. [Applause.]

What are the facts in this case? The gentleman who brought this contest has been a Member of Congress heretofore. He has had experience in filing campaign accounts, and so he files here a campaign account of his expenditures, not in his own name but in the name of the county committee, showing that \$10,413.96 was collected by his county committee and that \$9,768.16 was expended by that committee. And if you turn to the back of the report which is sworn to, you will find that not a single dime of this money was used in the furthering of the

candidacy of anyone else who made a contest for election in that year.

Contrasting that statement, we find here a Member who tells you that he knows nothing about any organization that expended money in order that he might be elected to Congress. There is nothing to connect him with the report that was made by a campaign committee who felt that they were honoring him because they allowed his name to be at the head of that committee. He filed his account here just the same as you and I file our accounts, setting out the items that he had expended, and they have not been disputed in any word of the testimony that I have heard.

But the Committee on Elections comes here to-night with a report and says that because some \$12,000 was expended in that campaign that the contestee had constructive notice that this money was being expended for him, and that for this reason he has violated the corrupt practices act.

I want to say to you that if you will refer to the items that are contained in the expenditures enumerated by his campaign committee, and then contrast the same with the items that show the expenditures by the gentleman who has brought this contest, you will find that they are, in the main, for publicity and for different kinds of expenses which are made in congressional campaigns.

But, my friends, let us go a little further. The committee found that 1,006 votes were illegal, and this result was used as a basis for arriving at a final conclusion. These votes were deducted from those which were formally credited to Mr. McLane and credited to Mr. Farr, and by throwing out a number of votes it was finally decided that the contestant was entitled to a seat in this House.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. McCLINTIC. I will.

Mr. HARDY of Texas. Was it not apparent that the only man on the Republican ticket who had any fight was Mr. Farr, and that the money raised and spent was spent substantially for him?

Mr. McCLINTIC. If you will look in the back of the 1,300 page record, in the list of expenditures filed by the campaign committee you will not find a single item that will show that money was expended to help any other candidate who aspired for office that year.

Mr. HARDY of Texas. No other Republican candidate?

Mr. McCLINTIC. No other Republican candidate.

Mr. FLOOD. Can the gentleman tell us why Mr. Farr did not have constructive notice that this money was spent in his behalf, and was therefore bound by that constructive notice?

Mr. McCLINTIC. I can not answer that question; but I want to call your attention to this one fact and that is 1,006 votes were found to be illegally cast. No member of the committee is going to say for whom those votes were cast. Can any member of the committee tell whether they should have gone to the credit of Mr. McLane or of Mr. Farr? No. But because of some construction based on a State law it has been decided that a number of votes were illegally cast. No one knows who these votes were cast for, yet the committee feels warranted in deducting them from the number of votes cast for Mr. McLane. I want to call your attention to this situation and I have made mention of it to the ranking minority member of the committee. Mr. McLane went into the court of common pleas and asked that 32 ballot boxes be impounded in order that the records contained in the same might be brought before this committee. In these 32 boxes there were cast 4,687 votes. The tally sheets and the voters' lists in those boxes have never been before this committee.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. ROBINSON of North Carolina. I yield to the gentleman five minutes more.

Mr. McCLINTIC. This being the case, there is not a Member of this House nor a member of this committee that can successfully deny the fact that there were just as many illegal votes in those 32 boxes impounded as were found in the 8 boxes in which the 1,006 votes were found to be illegal. Therefore, I say, it is not fair that a great committee of this House should bring in a report of this kind.

Mr. RAKER. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. RAKER. Why were the 32 boxes not brought before the Election Committee and counted?

Mr. McCLINTIC. All that I can say is that on the next to the last page of the testimony is found the court order which caused the 32 boxes to be impounded. I have figured them up and there are 4,687 votes in those boxes.

Mr. RAKER. Does the gentleman know whether the contestee requested the committee to have those boxes brought before that committee and counted?

Mr. McCLINTIC. I will yield to the contestee to answer that question. Did the contestee ask that the boxes impounded be brought before the committee?

Mr. McLANE. I did, and not only that but I got a court order from the judge of the quarter sessions, Lackawanna County, and you will find it in the record on page 353.

Mr. RAKER. On what basis did the committee refuse to bring those 32 boxes before the committee and count them?

Mr. McCLINTIC. Some member of the committee will have to answer that question.

Mr. ROBINSON of North Carolina. The request was made that the boxes be brought before the committee and counted, but, as there was no allegation of fraud in those precincts, that request was denied.

Mr. RAKER. The contestee received the majority vote. If you get down to the—

Mr. McCLINTIC. I can not yield further. There were 1,006 votes thrown out of the eight boxes because the State law required the voters to be registered before they could have the right of suffrage. If there were 1,006 votes subtracted from the total from those eight boxes, who is there here can say how many votes would have been found illegal in the 32 impounded boxes had they been brought before the committee and the votes properly examined?

I want to say, Mr. Speaker, that there are more foreigners, I dare say, in that congressional district than are to be found in any other district in the entire United States. I realize that many of them did not understand the State law relating to elections.

But the committee has no right to examine one half of the testimony offered in this case and then take those votes found to be illegal because the voters were not registered and throw them out without examining the other half that was brought to their attention by the contestee in this case. I want to say that every man, regardless of who he is, or where he comes from, is entitled to a run for his white alley. There is not a member of the committee that can say that McLane has spent more money than was spent by the contestant in this case. There is not a member of the committee that can say that Mr. Farr received more votes in this election than was received by McLane, because they have not gone down to the very bottom of this case and examined all the records that were cited in the brief. This being the case, I do not see how any Member here should want to vote on this question until all the evidence that has been cited in the brief has been brought to the attention of the committee and then properly and carefully considered. [Applause.]

Mr. ROBINSON of North Carolina. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 15 minutes.

Mr. ROBINSON of North Carolina. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BEE].

Mr. BEE. Mr. Speaker, I do not pretend any profound knowledge of the facts in this case, but I do wish to make my appeal to the fair judgment, to the honest judgment, of the Members of this House, regardless of their politics, to pause and consider before they turn from the doors of this Capitol as a disgraced man Patrick McLane, of Pennsylvania, upon the record that is made in this case. Mr. Farr, whom I do not know, a long time Member of Congress, as the gentleman from Oklahoma [Mr. McCLINTIC] has called attention, through his committee, through the county committee, when the only contest on the Republican side was to elect him, spent \$10,000 that we know of. The county Democratic executive committee of this county, not trained in election contests, not familiar with the rules of the House with reference to expenditures, with many candidates for legislative offices in addition to the candidacy of Mr. McLane, spent approximately the same amount, but Mr. Farr's committee, with their trained experience—and listen, gentlemen on the Republican side of the House, to the justice of this statement—with only Mr. Farr involved, expended \$10,000. Mr. McLane's committee, with Mr. McLane and other candidates involved, spent approximately over \$10,000, but the county Democratic executive committee certified they spent the amount in the election of Patrick McLane for Congress. The Committee on Elections No. 1 italicizes that statement to prove that the contestant ought to be seated in this House.

Mr. DALLINGER. Mr. Speaker, will the gentleman yield?

Mr. BEE. Just one moment. Let me say to you gentlemen that if every man in this House—and I do not look at anybody, because I can look anywhere and locate him—who either him—



self or through his friends for him spent more than the maximum amount allowed by Congress was unseated, there would be an exodus from the Congress of the United States equal to the exodus of the Democrats on the 4th of March. [Laughter.]

If Mr. McLane has violated a corrupt practices act of Pennsylvania, a criminal statute, the courts of Pennsylvania are open for his prosecution. The Senate of the United States has before it for consideration the election of a Senator from the State of Michigan. There was no question in the world about the expenditure of money in large sums beyond the sum allowed by the laws of Michigan. That gentleman is to-day a Member of the Senate of the United States, and in the dying days of this session, in the ebbing days of the Congress, we are asked to expel an honest Member of this body because his friends spent a sum in excess of the amount allowed by law. Oh, they say, he should have had notice of it and that constructive notice is brought to him. The constructive notice is also brought to Mr. Farr.

Here is another thing I want to suggest to you gentlemen. I believe in giving the under dog a chance. My Democratic colleagues on this committee have forgotten the rights of this man. [Applause on Democratic side.] My friends on the Democratic side of that committee have sat in the committee room and have brought in a report here that puts a stamp of infamy upon this man without the foundation of fact for it. [Applause on Democratic side.] They tell you there were illegal votes cast. Yes; there were illegal votes cast. The committee says they do not know how many or for whom they were cast, but they presume they were cast for Mr. McLane. Let us see. Take Carbondale. There were 13 illegal registered votes cast at Carbondale in the first ward. Seven of them were voted for Mr. Farr. One testified that he voted for Mr. McLane and the other five refused to disclose for whom they voted. In the fifth ward three illegal votes were found. All of them were cast for Mr. Farr. Are Mr. Farr's hands so clean that he can hold them up to high heaven and clothe himself in the white robe of innocence when under the known testimony in this case illegal votes have been cast for him?

My friends on the committee say there were no allegations of fraud in these ballots, and that that is the reason they did not open these boxes that contained 4,600 votes. What was the purpose of the committee? Did the committee merely confine itself to allegations of fraud made by Mr. Farr? If that is what they propose to do, well and good. This man, not clothed with the machinery of office, was not able to make the allegation that there was fraud in the 4,600 votes that he impounded the election boxes for. I say in answer to the suggestion that there was no allegation of fraud, that it is the duty of this committee before they put a stain on the name of a good man to open those boxes, and let the chips fall where they may. But when they did not do it, they have no right to put a stain upon him. How many illegal votes in the 4,600 were there? My friend from Massachusetts and the other gentlemen talk about the thousand and six illegal votes that they found, and they prorate them between the two candidates, and you can take the record and you will see that the number was largely in favor of Mr. Farr.

Gentlemen, I realize the die is cast; I realize the verdict is already written. I hold no brief for this man, but 40 years ago he came to this country, an immigrant boy from Ireland. He lived in the city of Scranton among his people. He followed the humble but very honorable occupation of a locomotive fireman upon the trains that came into that city. He was selected by his party to carry the falling standard of Democracy in that district.

He carried that standard to victory and brought to the bar of this House the credentials from the election officer of Pennsylvania that he had been duly elected. Nearly two years have passed. In that two years he has sat and exercised his prerogatives and his rights as a Member of Congress. In these dying days he is turned adrift. This gentleman who contests his election now and who ran thousands of votes behind his ticket in the city of Scranton under the committee's report, was defeated by his own party for the primary election last year, comes into this House, and it is proposed upon this character of record to vote into his pocket \$15,000 of the taxpayers' money, to vote to him \$6,400 for clerk hire, to give him mileage for four sessions of Congress to his home and back, and his stationery account. I appeal, Mr. Speaker, in the name of fairness, in the name of justice, in the name of common decency, in the name of honesty, that you gentlemen exercise your judgment as men and cast your vote in favor of the contestee, Patrick McLane. [Applause.]

Mr. ROBINSON. Mr. Speaker, the gentleman from Massachusetts has very generously yielded to me 5 minutes of his time, making 10 minutes.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that the time of the debate be extended 30 minutes—half of the time to be controlled by the gentleman from Massachusetts and half by the gentleman from North Carolina.

The SPEAKER. Is there objection?

Mr. LANGLEY. Mr. Speaker, I object.

Mr. ROBINSON of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT. Mr. Speaker, I trust that in the time that is remaining to the gentleman from Massachusetts [Mr. DALLINGER] he will give to the House more information than has yet been given upon an aspect in this case which is perhaps the most important aspect. This report says:

The committee therefore finds that the contestee, Patrick McLane, must, under the law, be held to have had constructive knowledge of expenditures made in excess of the amount permitted under the corrupt practices act, and for that reason, in accordance with congressional precedent, he is not entitled to a seat in the Sixty-sixth Congress.

And a resolution in accordance with that is presented, and upon which we shall first vote. Now, this report recites that the gentleman from Pennsylvania [Mr. McLane], the contestee, contributed some \$708, I believe, or something like that. The report does not state in any place what is contributed to the campaign fund by Mr. Farr or his party, but we learn from the debate on the floor that he contributed \$2,000. Now, let me ask how is it that the gentleman from Pennsylvania [Mr. McLane] shall be held to have had "constructive knowledge" of an amount of some \$12,000 expended in his behalf and the other gentleman from Pennsylvania [Mr. Farr] is not held to have any constructive knowledge of \$10,000 expended in his behalf. [Applause on the Democratic side.] If we are to place ourselves upon the ground that one should be unseated because there has been expended in his behalf more than \$5,000, why shall the rule not apply to the other? Why should that which is sauce to the Democratic goose not be sauce to the Republican gander? [Applause on the Democratic side.] What sort of disposition is it that you are undertaking to show here now? Are you wishing to lay down such a principle and ask this House to commit itself to it, when in the next Congress are to be gentlemen who have already filed statements showing that there have been expended in their behalf amounts far in excess of the law, and permit those gentlemen on the Republican side to retain seats in the next House while you unseat Mr. McLane in this Congress.

I do not think the attitude of these gentlemen upon the question of prohibition has anything to do with this contest. [Applause on the Democratic side.] That which is involved here goes beyond their views.

The SPEAKER. The time of the gentleman has expired.

Mr. DALLINGER. Mr. Speaker, I have been very much surprised at the attitude of the Democratic side of the House in absolutely ignoring the members of their own party on the Committee on Elections No. 1, men of high standing and character, who have given their time and thought to an exhaustive investigation of this case. This is a unanimous report of this committee, and the gentleman from Oklahoma [Mr. MCCLINTIC], who spoke for 20 or 25 minutes against the committee's report, as long as he was a member of that committee never gave any intimation but that he agreed with the other members of the committee.

Mr. MCCLINTIC. Will the gentleman yield?

Mr. DALLINGER. I have not the time to yield, Mr. Speaker. I have a lot of things to reply to. The gentleman from Oklahoma [Mr. MCCLINTIC] was on the subcommittee with the gentleman from Indiana [Mr. LUHRING], and they went over certain of these precincts, and at one time the gentleman from Oklahoma expressed some doubt as to the question of illegal voting, and he came down to my office, and I showed him the original voting lists, and he told me that he was satisfied from the original voting list that a large number of men who had been permitted to vote were not on the official voting list.

Mr. MCCLINTIC. I think the gentleman wants to be fair to the House. I will admit that that statement the gentleman has made is true as far as those boxes were concerned, but the 32 boxes that were questioned were never examined by the committee, and the gentleman knows it.

Mr. DALLINGER. Why should the committee have sent for those ballot boxes and spent months on them when there is no contention in the contestee's brief in regard to any illegality or fraud in any of those precincts? The request of the contestee that these 4,600 votes, the returns of which were not questioned by anyone, should be counted by the committee was simply for delay. We have investigated every contention in the contestant's brief and every contention in the contestee's brief. They were the only contentions relied upon before our committee either by the candidates or by their counsel.

Mr. CONNALLY. Will the gentleman yield?

Mr. DALLINGER. I have no time to yield. I decline to yield further at this time, Mr. Speaker.

Now, in regard to this question of expense accounts, the gentlemen on the other side overlook entirely the fact that there were three accounts filed in the interest of Mr. McLane. Mr. Farr simply contributed his \$2,000 to the Republican county committee which had charge of the campaign for all the Republican candidates from the State ticket down to local county officers. Mr. McLane filed his own account, showing seven or eight hundred dollars. The Democratic county committee filed a return, the original of which the committee examined, in which the officials of that committee certify under oath that the money was spent in the interest of Patrick McLane for Congress.

Mr. FLOOD. How many Republican candidates were there?

Mr. DALLINGER. A large number, State and local.

Mr. FIELDS. Was the gubernatorial candidate in danger?

Mr. DALLINGER. The Republican organization in every county in Pennsylvania spent money for all the candidates.

Mr. FIELDS. Was the gubernatorial candidate in danger? Will you answer that question?

Mr. DALLINGER. I decline to yield. The gentleman has overlooked the fact that in addition to the report of the Democratic county committee, in which they themselves under oath said that the expenditures were incurred in behalf of Patrick McLane, there was a McLane campaign committee, which spent \$11,749.

There was no Farr campaign committee, but there was a McLane campaign committee in addition to the Democratic county committee, and they spent \$11,749, the contributors to which campaign committee were liquor dealers of Lackawanna County and life-long friends of Patrick McLane, the contestee. Mr. McLane said he did not know anything about this McLane committee. The testimony shows that he was in constant consultation with members and officers of that committee. Bills for advertising, according to the testimony—

Mr. DEWALT. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. I decline to yield. Bills for advertising, as shown on page 14 of the testimony in this case, were in the first instances sent to Mr. McLane, directed to his address in Scranton. When it was found that the bills were likely to amount to over \$5,000, then they resorted to this expedient of having a McLane campaign committee so as to evade the corrupt practices act.

Mr. DEWALT. Mr. Speaker, does the gentleman decline to yield?

Mr. DALLINGER. Yes; I decline to yield further at this time.

Now, Mr. Speaker, in regard to this question of fraud, the gentleman from Pennsylvania [Mr. DEWALT] asked me to give him some cases. Before the recess I referred him to the Tague-Fitzgerald case in the present Congress. There is a long line of congressional and State precedents, including the cases of Renshaw against Conaghan, 17 district reports, Pennsylvania, 705; Gibbons against Sheppard, 2 Brewster, Pennsylvania 1; Conway against Carpenter, 15 Philadelphia, Pa., 388; Mann against Cassidy, 2 Philadelphia, Pa., 320; Barber's case, 10 Philadelphia, Pa., 579; Duffy's case, 4 Brewster, Pennsylvania, 553; Blair against Barrett, Thirty-sixth Congress, Rowell, 165; Knox against Blair, Thirty-eighth Congress, Rowell, 190; Howard against Cooper, Thirty-sixth Congress, Rowell, 161; Washburn against Voorhees, Thirty-ninth Congress, Rowell, 201; Myers against Moffett, Forty-first Congress, Rowell, 235; McKenzie against Braxton, Forty-second Congress, Rowell, 265; Giddings against Clark, Forty-second Congress, Rowell, 279.

Now, the committee figured this case out on every possible supposition. They first went according to the congressional precedents and threw out all the precincts where this outrageous fraud and illegal voting occurred. That would give Mr. Farr the election by a plurality of 2,420 votes.

And I may say incidentally that through an inadvertence there was left out of the report of the committee the facts in regard to the first ward of Olyphant Borough, where the ballot box and the voting list and the poll book and everything else disappeared, and where the generous election officials gave Mr. Farr 10 votes and Mr. McLane 277 votes. If we had simply thrown out that precinct alone, according to the congressional precedents, it would have elected Mr. Farr.

Now, simply taking the 1,006 illegal votes which were absolutely proven by the testimony and checked up by the original voting lists and the poll books, and subtracting them pro rata from the candidates in accordance with the precedent in the case of Parley against Walls in the Forty-fourth Congress (Rowell 305) the contestant John R. Farr is elected by a plurality of 476 votes.

Mr. DEWALT. Mr. Speaker, may I make an inquiry of the gentleman?

Mr. DALLINGER. I decline to yield. I wish I had more time. Then I would yield to everybody.

Now, Mr. Speaker, the committee, in order to be fair—and I want to say to the Democratic Members of this House that these gentlemen who have spoken here recently on the Democratic side are men who do not know anything about the facts, who have not investigated the matter as Judge ROBINSON of North Carolina and Mr. BLAND of Virginia have—I say in order to give the benefit of the doubt to this contestee, instead of throwing out all these precincts where this fraud and this illegality occurred, we simply threw out those where there was gross fraud and collusion of the election officers and subtracted pro rata the illegal votes in the other districts, and that gives John R. Farr, the contestant, the election by a plurality of 1,454 votes.

Mr. DEWALT. Does the gentleman still decline to yield?

Mr. DALLINGER. I decline to yield. Yes; I will yield to the gentleman from Pennsylvania.

Mr. DEWALT. With the gentleman's permission—

Mr. DALLINGER. I will yield simply for a question.

Mr. DEWALT. The gentleman says they examined 77 witnesses out of 1,106. Is that correct?

Mr. DALLINGER. Mr. Speaker, the gentleman entirely misunderstood me. I never made any such statement. What I said was this: That the contestee in the city of Carbondale claimed that there were 77 illegal votes.

Mr. DEWALT. And that 77 witnesses had been examined out of 1,106?

Mr. DALLINGER. Hold on a minute. We were simply talking about the city of Carbondale. If the gentleman will give me time to answer and not interrupt me, I will answer him. The contestee claimed there were 77 illegal votes in the city of Carbondale. We went into every one of those, as we went into every other one of the contestee's allegations, and we subtracted the illegal votes from the contestant's total, where they testified that they voted for Mr. Farr, and the others pro rata—

Mr. DEWALT. You examined 77 out of 1,106.

Mr. DALLINGER. I can not yield further.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield to me for a legal question about this? I just wanted to ask this question. The gentleman cited precedents: Is there any precedent where the House unseated a man because he spent too much money and then seated the contestant? Does not that merely vacate the seat?

Mr. DALLINGER. Mr. Speaker, this question of the unlawful expenditure of money was only one phase of the case.

Mr. STEVENSON. I wanted to understand what the position of this committee was as to that.

Mr. DALLINGER. In the case of Gill against Catlin the gentleman's side of the House unseated a Member from the State of Missouri and seated his Democratic contestant where there was no evidence at all that he had expended the money. The evidence only showed that his father and brother had spent a lot of money, and they charged that he must have had constructive knowledge. In this case Mr. McLane had actual notice, and it was a deliberate, premeditated attempt to violate the corrupt practices act, and they thought because they filed the statement of a "McLane campaign committee" they could evade the statute passed by Congress.

Mr. STEVENSON. The committee in this case only finds constructive notice. Is not that the finding?

Mr. DALLINGER. We find, Mr. Speaker, that he had constructive notice of everything that the McLane committee and the Democratic county committee did, based on the evidence of the actual notice that he did have. That is what we find. That is altogether different.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. BANKHEAD. Do I understand that the report of the committee justifies the assumption, standing alone, that the proof of the expenditure of more money than was allowed by the corrupt practices act would be sufficient to prohibit a man from holding a seat in this House?

Mr. DALLINGER. On the basis of the precedent of Gill against Catlin, most certainly.

Mr. BANKHEAD. I wanted to be clear about that.

Mr. DALLINGER. Yes. Mr. Speaker, there is no doubt whatever in this case that there was a violation of the corrupt practices act. But apart from that, admitting that Mr. McLane was not at fault at all because of the spending of this vast sum of money under the guise of a McLane campaign committee, which he said he did not know anything about—throw-



ing that all aside, upon the testimony in this case and upon silent testimony of the voting lists and the poll books—

Mr. CONNALLY rose.

Mr. DALLINGER. I decline to yield—on the testimony of the voting lists and the poll books, and the testimony taken under the statute subject to examination and cross-examination, going into every allegation in the contestant's brief and in the contestee's brief, giving the contestee the benefit of every doubt, Mr. Farr was elected by a large majority.

Mr. GARRETT rose.

Mr. DALLINGER. I decline to yield, Mr. Speaker. I ask the attention of the House in these closing minutes. I know Members are tired and weary, but I simply want to say that the committee gave this matter the most earnest consideration. We tried to give the contestee the benefit of every doubt, and I want to say that as a student of election cases from the beginning down to date, there never was a more outrageous conspiracy to defraud an electorate or more gross frauds, in which the election officials of both parties took part. It was a wet and dry fight, and Mr. Farr had no friends upon the election boards in many of these foreign-speaking districts. It was the most outrageous condition of affairs that I have ever known to exist in any election case in all my reading. Why, Mr. Speaker, scores and hundreds of these unnaturalized foreigners were stopped as they were going along the street and were told to come up to the election booth. They protested that they were not naturalized, and the reply was, "Never mind; this is a wet and dry fight; everybody can vote." And they were brought up and their ballots marked for them; and these men testified to that fact.

Boys were induced to come to the polls, boys 18 years old, and to swear to false affidavits that they were of age, and were allowed to vote. Hundreds of men were permitted to vote whose names were not on the voting list, who made no affidavits as required by the laws of the State of Pennsylvania, and they were allowed to vote by the election officials. The names of boys who were fighting for their country overseas were voted upon by collusion of the election officials. This contestee, who is so solicitous about his rights, in his brief before the committee asked us to throw out all the soldier vote because the returns did not comply with all the technicalities of an old statute passed in 1864. He wanted to disfranchise every soldier in that whole district.

But even if we had done all that he asked, it would not have altered the result.

Mr. ROSE. A determined, persistent effort has been made here undertaking to show that Mr. McLane had nothing more than constructive notice as to the great expenditure of money in his behalf. I want to say that on pages 677 and 678 of the evidence taken in this case it is shown conclusively that Mr. McLane was present with the committee and discussed with them the expenditures made in his campaign.

Mr. MCCLINTIC. Will the gentleman yield?

Mr. DALLINGER. I decline to yield any further.

Mr. MCCLINTIC. Mr. McLane did not acknowledge that he knew anything about the expenditure of that money.

Mr. ROSE. He says he was with the committee nearly all the time; says so in his own testimony. This should be conclusive.

Mr. GARRETT. Will the gentleman from Massachusetts yield for one question?

Mr. DALLINGER. Yes.

Mr. GARRETT. How can Mr. McLane be held to have constructive notice and Mr. Farr not to be held to have constructive notice?

Mr. DALLINGER. There is no parallel between the two cases. Mr. Farr had no campaign committee at all. Mr. Farr simply contributed \$2,000 to the regular Republican county committee, the money being used for all the candidates on the Republican ticket.

Mr. STEVENSON. Was not that his campaign committee?

Mr. DALLINGER. There was a Democratic county committee, which spent a lot of money, and if they had not filed a return here and said under their own oaths that it was all spent for Mr. McLane we would not have considered it.

Mr. McLANE rose.

Mr. DALLINGER. I decline to yield. But in addition to the Democratic county committee return, in addition to the McLane personal return, there was the McLane campaign committee organized according to the gentleman's own admission a short time before the election which spent over \$11,000, and the testimony shows that he knew all about it.

Mr. McLANE. Did I admit that I consulted with the McLane campaign committee?

Mr. DALLINGER. No; but the testimony was there.

Mr. REED of West Virginia. Was the McLane campaign expenditure filed with the Clerk of the House?

Mr. DALLINGER. Yes; amounting to \$11,749.

Mr. REED of West Virginia. Was the amount expended by the committee of Mr. Farr filed?

Mr. DALLINGER. No; because it is not required. No county committee report is required to be filed here; it is only personal returns of candidates and congressional committee returns. It was not spent for Mr. Farr alone; it was spent for all the candidates on the Republican ticket.

Mr. OLDFIELD. Was the report of the McLane campaign committee required to be filed here?

Mr. DALLINGER. It was filed here, because they knew that the money was spent solely for Mr. McLane. Mr. Speaker, I want to call the attention of the House to the fact that the gentlemen on the other side deliberately ignore the McLane campaign committee, which expended over \$11,000. Why was the report of that committee filed here? Because they knew that under the law it should have been filed under McLane's personal returns; it was just as much his expenditure as if he had spent it himself.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. DALLINGER. No. Mr. McLane would naturally have received these sums from his friends in the liquor business, but when they found that it was over \$5,000 they resorted to the expedient of organizing the McLane campaign committee, figuring thereby to evade the law.

Mr. Speaker, I simply want to say to the Democratic Members of this House that it comes with a poor grace for them not to stand by the unanimous report of this committee when the Republican side of the House stood by the unanimous report of the same committee in the case of the gentleman who now stands before me, from Missouri [Mr. BLAND]. [Applause on the Republican side.] When we reported unanimously in favor of Mr. MAJOR of Missouri and allowed him to keep his seat, it comes with a poor grace for them to repudiate their own men, the gentleman from North Carolina [Mr. ROBINSON] and the gentleman from Virginia [Mr. BLAND], two able, conscientious, Democratic Members who have studied this case for weeks and months, and allow Members who have not studied the case to appeal to them to go back on the record. I trust the resolution I have offered will be adopted, and that Mr. Farr will be given the seat that he is entitled to. [Applause on the Republican side.]

Mr. MCCLINTIC. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCCLINTIC. I want to know if a motion would be in order to recommit the report on the Farr and McLane case to Election Committee No. 1 with instructions to examine the other 32 boxes of ballots?

The SPEAKER. It is not in order now.

Mr. MCCLINTIC. Would a motion be in order?

The SPEAKER. The previous question has been ordered by agreement.

Mr. MCCLINTIC. Then, can I offer a substitute for the report?

The SPEAKER. Not after the previous question is ordered, and the previous question was ordered by unanimous consent.

Mr. WINGO. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Does the Speaker rule that a motion to recommit will not lie after the previous question is ordered?

The SPEAKER. The Chair is not sure about that.

Mr. WINGO. I think the Chair will find that a motion to recommit is in order in all cases.

The SPEAKER. The Chair is not aware of any reason why a motion to recommit would not be in order. The Chair will be glad to hear anyone to the contrary.

Mr. MCCLINTIC. Mr. Speaker, I send up the motion and ask that it be reported.

Mr. MANN of Illinois. Mr. Speaker, there are two provisions in the rules with reference to a motion to recommit. I have but one of them in my hand at this moment, and that is the one to which the gentleman made reference, providing that a motion to recommit shall be in order after the previous question is ordered. That rule provides that after the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order.

Mr. MCCLINTIC. Mr. Speaker, I ask unanimous consent that my motion be reported.

Mr. MANN of Illinois. Mr. Speaker, the other rule in reference to a motion to recommit is Rule XVII, where it is provided:

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to recommit, with or without instructions, to a standing or select committee.

In the Manual is this statement, under No. 790:

The motion to recommit under this rule applies to resolutions of the House alone as well as to bills.

Mr. WINGO. Mr. Speaker, it has been held, and, of course, the Chair is familiar with the practice, that it is in order to recommit a conference report to the committee of conference. Rule XVII, to which the gentleman refers, provides that the previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection.

The SPEAKER. The Chair desires to hear argument on the other side.

Mr. DUPRÉ. Mr. Speaker, there seems to be no argument on the other side.

The SPEAKER. A decision in Hinds' Precedents seems to hold that in an election case it is in order to recommit. The Chair thinks the motion is in order. The gentleman from Oklahoma offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. McCLINTIC moves that the report in the Farr against McLane contested case be recommitted to the Committee on Elections No. 1, with instructions to examine the tally sheets and the registration lists in the 32 boxes impounded by a court order under date of April 5, 1919, on the prayer of the contestee, and to report back to the House when all of the testimony and facts have been properly considered.

Mr. McCLINTIC. Mr. Speaker—

Mr. MANN of Illinois. Oh, the gentleman can not debate it.

Mr. McCLINTIC. I understood I had 20 minutes.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma.

The question was taken.

Mr. McCLINTIC. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 161, answered "present" 2, not voting 145, as follows:

#### YEAS—120.

Almon	Cullen	Keller	Parrish
Aswell	Davis, Tenn.	Kincheloe	Phelan
Babka	Dewalt	Lampert	Quin
Bankhead	Drane	Lanham	Raker
Barkley	Dupré	Lankford	Rayburn
Bee	Eagan	Larsen	Romjue
Bell	Eagle	Lazaro	Rouse
Black	Evans, Mont.	Lea, Calif.	Sabath
Bland, Mo.	Fields	Lee, Ga.	Sherwood
Bowling	Fisher	Leshner	Sisson
Box	Flood	Linthicum	Smithwick
Brand	Gallagher	McAndrews	Steagall
Briggs	Gallivan	McClintic	Stedman
Brinson	Ganly	McDuffie	Stephens, Miss.
Buchanan	Gard	McGlennon	Stevenson
Burke	Garrett	McKeown	Stoll
Byrnes, S. C.	Godwin, N. C.	Mansfield	Summers, Tex.
Byrns, Tenn.	Goodykoontz	Martin	Tague
Campbell, Pa.	Hardy, Tex.	Mays	Taylor, Colo.
Cantrill	Hastings	Mead	Tillman
Caraway	Hayden	Milligan	Upshaw
Carew	Hoey	Minahan, N. J.	Vinson
Carss	Holland	Nelson, Mo.	Weaver
Carter	Humphreys	O'Connell	Welling
Casey	Igoe	O'Connor	Wilson, La.
Clark, Fla.	Jacoway	Oldfield	Wilson, Pa.
Cleary	James, Va.	Oliver	Wingo
Coady	Johnson, Ky.	Overstreet	Woods, Va.
Collier	Johnson, Miss.	Padgett	Wright
Connally	Jones, Tex.	Park	Young, Tex.

#### NAYS—161.

Ackerman	Dallinger	Hawley	Lehlbach
Anderson	Darrow	Hays	Little
Andrews, Nebr.	Davis, Minn.	Hernandez	Luce
Barbour	Dempsey	Hickey	Luhling
Begg	Dickinson, Iowa	Hicks	McArthur
Benham	Dowell	Hoch	McCulloch
Bland, Ind.	Echols	Houghton	McLaughlin, Mich.
Bland, Va.	Elliot	Hulings	McLaughlin, Nebr.
Blanton	Emerson	Hull, Iowa	McLeod
Boles	Esch	Hutchinson	McPherson
Bowers	Evans, Nebr.	Ireland	MacGregor
Brooks, Ill.	Fairfield	Johnson, S. Dak.	Magee
Brooks, Pa.	Fess	Johnson, Wash.	Mann, Ill.
Burdick	Focht	Juul	Mapes
Burroughs	Fordney	Kearns	Mason
Butler	Foster	Kelley, Mich.	Michener
Campbell, Kans.	French	Kendall	Miller
Chindblom	Fuller	Kiess	Monahan, Wis.
Christopherson	Good	King	Mondell
Cooper	Green, Iowa	Kinkaid	Moore, Ohio
Crago	Greene, Mass.	Klecza	Moore, Ind.
Cramton	Greene, Vt.	Knutson	Mott
Crowther	Griest	Kraus	Mudd
Currie, Mich.	Hadley	Langley	Newton, Minn.
Dale	Hardy, Colo.	Layton	Newton, Mo.

Ogden	Rose	Strong, Pa.	Walsh
Osborne	Rowe	Summers, Wash.	Ward
Perlman	Sanders, Ind.	Sweet	Wason
Porter	Sanford	Swindall	Watson
Radcliffe	Schall	Swope	Webster
Ramsey	Sells	Taylor, Tenn.	Wheeler
Randall, Calif.	Shreve	Temple	White, Kans.
Randall, Wis.	Siegel	Thompson	Williams
Reber	Sinnott	Timberlake	Wilson, Ill.
Reed, W. Va.	Slomp	Tincher	Winslow
Rhodes	Smith, Idaho	Tinkham	Wood, Ind.
Ricketts	Smith, Ill.	Treadway	Woodyard
Riddick	Smith, Mich.	Valle	Young, N. Dak.
Robinson, N. C.	Snell	Vestal	
Robison, Ky.	Snyder	Voigt	
Rogers	Stephens, Ohio	Volk	

#### ANSWERED "PRESENT"—2.

Dominick

Nolan

#### NOT VOTING—145.

Andrews, Md.	Fish	Loneragan	Riordan
Anthony	Frear	Longworth	Rodenberg
Ashbrook	Freeman	Lufkin	Rowan
Ayres	Gandy	McFadden	Rubey
Bacharach	Garner	McKenzie	Rucker
Baer	Glynn	McKinley	Sanders, La.
Benson	Goldfogle	McKinley	Sanders, N. Y.
Britten	Goodall	McLane	Scott
Browne	Goodwin, Ark.	Madden	Scully
Brumbaugh	Gould	Maher	Sears
Caldwell	Graham, Ill.	Major	Sims
Candler	Graham, Pa.	Mann, S. C.	Sinclair
Cannon	Griffin	Merritt	Small
Clark, Mo.	Hamill	Montague	Smith, N. Y.
Classon	Hamilton	Moon	Steele
Cole	Harrell	Mooney	Steenerson
Copley	Harrison	Moore, Va.	Stiness
Costello	Haugen	Morin	Strong, Kans.
Crisp	Hersey	Murphy	Sullivan
Curry, Calif.	Hersman	Neely	Taylor, Ark.
Davey	Hill	Nelson, Wis.	Thomas
Denison	Howard	Nicholls	Tilson
Dent	Huddleston	Olney	Towner
Dickinson, Mo.	Hudspeth	Paige	Vane
Donovan	Hull, Tenn.	Parker	Venable
Dooling	Husted	Patterson	Volstead
Doremus	James, Mich.	Pell	Walters
Doughton	Jefferis	Peters	Watkins
Drewry	Johnston, N. Y.	Pou	Welty
Dunbar	Jones, Pa.	Purnell	Whaley
Dunn	Kahn	Rainey, Ala.	White, Me.
Dyer	Kelly, Pa.	Rainey, Henry T.	Wise
Edmonds	Kennedy, Iowa	Rainey, John W.	Yates
Ellsworth	Kennedy, R. I.	Ramsayer	Zihlman
Elston	Kettner	Ransley	
Evans, Nev.	Kitchin	Reavis	
Ferris	Kreider	Reed, N. Y.	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. RUCKER (for) with Mr. RODENBERG (against).  
 Mr. RIORDAN (for) with Mr. FREAR (against).  
 Mr. NICHOLLS (for) with Mr. LUFKIN (against).  
 Mr. DOMINICK (for) with Mr. DYER (against).  
 Mr. MAHER (for) with Mr. PATTERSON (against).  
 Mr. DOOLING (for) with Mr. PURNELL (against).  
 Mr. GOLDFOGLE (for) with Mr. BACHARACH (against).  
 Mr. STEELE (for) with Mr. KREIDER (against).  
 Mr. JOHNSTON of New York (for) with Mr. DENISON (against).  
 Mr. McKINIRY (for) with Mr. BROWNE (against).  
 Mr. SMITH of New York (for) with Mr. CURRY of California (against).

Mr. SULLIVAN (for) with Mr. COLE (against).  
 Mr. DONOVAN (for) with Mr. HERSEY (against).

General pairs:

Mr. TILSON with Mr. HOWARD.  
 Mr. LONGWORTH with Mr. MONTAGUE.  
 Mr. ANTHONY with Mr. CANDLE.  
 Mr. FREEMAN with Mr. PUDLER.  
 Mr. ZIHLMAN with Mr. OLNEY.  
 Mr. MERRITT with Mr. WHALEY.  
 Mr. VOLSTEAD with Mr. AYRES.  
 Mr. ANDREWS of Maryland with Mr. BENSON.  
 Mr. WHITE of Maine with Mr. DREWRY.  
 Mr. JONES of Pennsylvania with Mr. HARRISON.  
 Mr. PAIGE with Mr. SMALL.  
 Mr. RAMSEYER with Mr. VENABLE.  
 Mr. STRONG of Kansas with Mr. DAVEY.  
 Mr. RANSLEY with Mr. MAJOR.  
 Mr. SCOTT with Mr. DOUGHTON.  
 Mr. PETERS with Mr. GARNER.  
 Mr. NELSON with Mr. PELL.  
 Mr. McFADDEN with Mr. CRISP.  
 Mr. EDMONDS with Mr. SIMS.  
 Mr. CANNON with Mr. MOORE of Virginia.  
 Mr. JEFFERIS with Mr. HUDDLESTON.  
 Mr. MURPHY with Mr. TAYLOR of Arkansas.  
 Mr. PARKER with Mr. WATKINS.



Mr. SINCLAIR with Mr. DENT.  
Mr. McKENZIE with Mr. ASHBROOK.  
Mr. KELLY of Pennsylvania with Mr. HULL of Tennessee.  
Mr. PELL. Mr. Speaker, I desire to vote.  
The SPEAKER. Was the gentleman present and listening when his name was called?  
Mr. PELL. I do not think I got in in time; I do not know who they were calling when I came in.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. DOMINICK. Mr. Speaker, I would like to ask if Mr. DYER is recorded?

The SPEAKER. He is not recorded.

Mr. DOMINICK. Then I will ask to withdraw my vote of "aye" and be recorded as present, as I have a pair with him. The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts.

Mr. KINCHELOE. Mr. Speaker, may we have that reported again?

The SPEAKER. The Clerk will again report the resolution. The Clerk read as follows:

*Resolved*, That Patrick McLane was not elected a Member of the House of Representatives from the tenth congressional district of the State of Pennsylvania in this Congress and is not entitled to retain a seat herein.

*Resolved*, That John R. Farr was duly elected a Member of the House of Representatives from the tenth congressional district of the State of Pennsylvania in this Congress and is entitled to a seat herein.

Mr. McARTHUR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McARTHUR. Are not these two separate resolutions?

The SPEAKER. They are, if any gentleman desires them separated.

Mr. McCLINTIC. Mr. Speaker, I ask for a division of the resolution.

The SPEAKER. The gentleman demands a division of the resolution. The question is on the first resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. McCLINTIC. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 113, answered "present" 4, not voting 150, as follows:

## YEAS—161.

Ackerman	Foster	McLeod	Siegel
Anderson	French	McPherson	Sinclair
Andrews, Nebr.	Fuller	MacGregor	Sinnott
Barbour	Good	Magee	Slemp
Berg	Green, Iowa	Mann, Ill.	Smith, Idaho
Benham	Greene, Mass.	Mapes	Smith, Ill.
Bland, Ind.	Greene, Vt.	Mason	Smith, Mich.
Bland, Va.	Griest	Michener	Snell
Blanton	Hadley	Miller	Snyder
Boies	Hardy, Colo.	Monahan, Wis.	Stephens, Ohio
Bowers	Hawley	Mondell	Strong, Pa.
Brooks, Ill.	Hays	Moore, Ohio	Summers, Wash.
Brooks, Pa.	Hernandez	Moore, Ind.	Sweet
Burdick	Hickey	Mott	Swindall
Burroughs	Hicks	Mudd	Swope
Butler	Hoch	Newton, Minn.	Taylor, Tenn.
Campbell, Kans.	Houghton	Newton, Mo.	Temple
Chindblom	Hulings	Ogden	Thompson
Christopherson	Hull, Iowa	Perlman	Timberlake
Cole	Hutchinson	Porter	Tincher
Cooper	Ireland	Purnell	Tinkham
Crago	Johnson, S. Dak.	Radcliffe	Treadway
Cramton	Johnson, Wash.	Raker	Valle
Crowther	Juul	Ramsey	Vestal
Curtis, Mich.	Kelley, Mich.	Randall, Calif.	Voigt
Dale	Kendall	Randall, Wis.	Volk
Dallinger	Kless	Reber	Walsh
Darrow	King	Reed, W. Va.	Ward
Davis, Minn.	Kinkaid	Rhodes	Wason
Dempsey	Klecza	Ricketts	Watson
Dickinson, Iowa	Knutson	Riddick	Webster
Dowell	Kraus	Robinson, N. C.	Wheeler
Echols	Layton	Robison, Ky.	White, Kans.
Elliott	Leibach	Rogers	Wilson, Ill.
Emerson	Little	Rose	Winslow
Esch	Luce	Rowe	Wood, Ind.
Evans, Nebr.	Luhning	Sanders, Ind.	Woodyard
Fairfield	McArthur	Sanford	Young, N. Dak.
Fess	McCulloch	Schall	
Focht	McLaughlin, Mich.	Sells	
Fordney	McLaughlin, Nebr.	Shreve	

## NAYS—113.

Almon	Briggs	Casey	Fields
Aswell	Brinson	Cleary	Fisher
Bakka	Buchanan	Coady	Flood
Bankhead	Burke	Collier	Gallagher
Barkley	Byrnes, S. C.	Connally	Gallivan
Bee	Byrnes, Tenn.	Cullen	Gandy
Bell	Campbell, Pa.	Davis, Tenn.	Ganly
Black	Cantrill	Dewalt	Gard
Bland, Mo.	Caraway	Drane	Garrett
Bowling	Carew	Dupré	Godwin, N. C.
Box	Carrs	Eagan	Hastings
Brand	Carter	Eagle	Hoey

Humphreys	Lanthicum	Park	Tague
Igoe	McClintic	Parrish	Taylor, Colo.
Jacoway	McDuffie	Pell	Tillman
James, Va.	McGlennon	Phelan	Upshaw
Johnson, Ky.	McKeown	Quin	Venable
Johnson, Miss.	Mansfield	Rayburn	Vinson
Jones, Tex.	Martin	Romjue	Weaver
Keller	Mays	Rouse	Welling
Kincheloe	Mead	Sabath	Wilson, La.
Lampert	Milligan	Sisson	Wilson, Pa.
Lanham	Minahan, N. J.	Smithwick	Wingo
Lankford	Nelson, Mo.	Stegall	Woods, Va.
Larsen	O'Connell	Stedman	Wright
Lazaro	O'Connor	Stephens, Miss.	Young, Tex.
Lee, Calif.	Oldfield	Stevenson	
Lee, Ga.	Overstreet	Stoll	
Leshner	Padgett	Sumners, Tex.	

## ANSWERED "PRESENT"—4.

Domintick	Goodykoontz	Hardy, Tex.	Nolan
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## NOT VOTING—150.

Andrews, Md.	Fish	Kreider	Reavis
Anthony	Frear	Langley	Reed, N. Y.
Ashbrook	Freeman	Loneragan	Riordan
Ayres	Garner	Longworth	Rodenberg
Bacharach	Glynn	Lufkin	Rowan
Baer	Goldfogle	McAndrews	Rubin
Benson	Goodall	McPadden	Rucker
Britten	Goodyin, Ark.	McKenzie	Sanders, La.
Browne	Gould	McKiniry	Sanders, N. Y.
Brumbaugh	Graham, Ill.	McKinley	Scott
Caldwell	Graham, Pa.	McLane	Seely
Candler	Griffin	Madden	Sears
Cannon	Hamill	Maher	Sherwood
Clark, Fla.	Hamilton	Major	Sims
Clark, Mo.	Harrell	Mann, S. C.	Small
Clason	Harrison	Merritt	Smith, N. Y.
Copley	Haugen	Montague	Steele
Costello	Hayden	Moon	Steenerson
Crisp	Hersey	Mooney	Stiness
Curry, Calif.	Hersman	Moore, Va.	Strong, Kans.
Davey	Hill	Morin	Sullivan
Denison	Holland	Murphy	Taylor, Ark.
Dent	Howard	Neely	Thomas
Dickinson, Mo.	Huddleston	Nelson, Wis.	Tilson
Donovan	Hudspeth	Nicholls	Towner
Dooley	Hull, Tenn.	Oliver	Vare
Doremus	Husted	Olney	Volstead
Doughton	James, Mich.	Osborne	Walters
Drewry	Jeffers	Paige	Watkins
Dunbar	Johnston, N. Y.	Parker	Welty
Dunn	Jones, Pa.	Patterson	Whaley
Dyer	Kahn	Peters	White, Me.
Edmonds	Kearns	Pou	Williams
Ellsworth	Kelly, Pa.	Rainey, Ala.	Wise
Elston	Kennedy, Iowa	Rainey, Henry T.	Yates
Evans, Mont.	Kennedy, R. I.	Rainey, John W.	Zihlman
Evans, Nev.	Kettner	Ramsayer	
Ferris	Kitchin	Ransley	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. RODENBERG (for) with Mr. RUCKER (against).

Mr. LUFKIN (for) with Mr. NICHOLLS (against).

Mr. DYER (for) with Mr. DOMINICK (against).

Mr. PATTERSON (for) with Mr. MAHER (against).

Mr. BACHARACH (for) with Mr. GOLDFOGLE (against).

Mr. KREIDER (for) with Mr. STEELE (against).

Mr. DENISON (for) with Mr. JOHNSTON of New York (against).

Mr. BROWNE (for) with Mr. McKINIRY (against).

Mr. CURRY of California (for) with Mr. SMITH of New York (against).

Mr. COLE (for) with Mr. SULLIVAN (against).

Mr. HERSEY (for) with Mr. DONOVAN (against).

Mr. FREAR (for) with Mr. RIORDAN (against).

Mr. WILLIAMS (for) with Mr. McANDREWS (against).

Mr. LANGLEY (for) with Mr. CLARK of Florida (against).

Until further notice:

Mr. OSBORNE with Mr. HARDY of Texas.

Mr. ANTHONY with Mr. POU.

Mr. GRAHAM of Illinois with Mr. HAYDEN.

Mr. HAUGEN with Mr. OLIVER.

Mr. STEENERSON with Mr. HOLLAND.

Mr. TOWNER with Mr. SHERWOOD.

Mr. KEARNS with Mr. KETTNER.

Mr. DOMINICK. Mr. Speaker, is Mr. DYER recorded?

The SPEAKER. He is not.

Mr. DOMINICK. I desire to withdraw my vote of "nay" and answer "present," as I am paired with that gentleman.

Mr. HARDY of Texas. Mr. Speaker, inasmuch as I am paired with the gentleman from California [Mr. OSBORNE], I wish to withdraw my vote of "nay" and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The vote now comes on the second resolution, which the Clerk will again report.

The Clerk read as follows:

*Resolved*, That John R. Farr was duly elected a Member of the House of Representatives from the tenth congressional district of the State of Pennsylvania in this Congress and is entitled to a seat herein.

The question was taken on the resolution, and the Speaker announced that the yeas seemed to have it.

Mr. McCLINTIC. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 106, answering "present" 5, not voting 159, as follows:

## YEAS—158.

Ackerman	Fordney	McLaughlin, Mich.	Sinclair
Anderson	Foster	McLaughlin, Nebr.	Sinnott
Andrews, Nebr.	French	McLeod	Smith, Idaho
Barbour	Fuller	McPherson	Smith, Ill.
Begg	Good	MacGregor	Smith, Mich.
Benham	Green, Iowa	Magee	Snell
Bland, Ind.	Greene, Mass.	Mann, Ill.	Snyder
Bland, Va.	Greene, Vt.	Mapes	Stephens, Ohio
Blanton	Griest	Mason	Strong, Pa.
Boles	Griffin	Michener	Summers, Wash.
Bowers	Hadley	Miller	Sweet
Brooks, Ill.	Hardy, Colo.	Monahan, Wis.	Swindall
Brooks, Pa.	Hawley	Mondell	Swope
Burdick	Hays	Moore, Ohio	Taylor, Tenn.
Burroughs	Hernandez	Moore, Ind.	Temple
Butler	Hickey	Mudd	Thompson
Campbell, Kans.	Hicks	Newton, Minn.	Tilson
Chindblom	Hoch	Newton, Mo.	Timberlake
Christopherson	Houghton	Ogden	Tincher
Cole	Hulings	Porter	Tinkham
Cooper	Hull, Iowa	Purnell	Treadway
Crago	Hutchinson	Radcliffe	Valle
Cramton	Ireland	Ramsey	Vestal
Crowther	Johnson, S. Dak.	Randall, Calif.	Voigt
Currie, Mich.	Johnson, Wash.	Randall, Wis.	Volk
Dale	Juul	Reber	Walsh
Dallinger	Kelley, Mich.	Reed, W. Va.	Ward
Darrow	Kendall	Rhodes	Watson
Davis, Minn.	Kless	Ricketts	Webster
Dempsey	Kinkaid	Riddick	Wheeler
Denison	Klecza	Robinson, N. C.	White, Kans.
Dickinson, Iowa	Knutson	Robison, Ky.	Wilson, Ill.
Dowell	Kraus	Rogers	Winslow
Elliott	Layton	Rose	Wood, Ind.
Emerson	Lehlbach	Rowe	Woodyard
Esch	Little	Sanders, Ind.	Young, N. Dak.
Evans, Nebr.	Luce	Schall	Zihlman
Fairfield	Luhning	Sells	
Fess	McArthur	Shreve	
Focht	McCulloch	Siegel	

## NAYS—106.

Almon	Cullen	Larsen	Quin
Ashbrook	Davis, Tenn.	Lazaro	Raker
Aswell	Dewalt	Lee, Calif.	Rayburn
Babka	Drane	Lee, Ga.	Romjue
Bankhead	Dupré	Leshner	Rouse
Barkley	Eagan	Linthicum	Sabath
Bee	Eagle	McClintic	Sisson
Black	Fields	McDuffie	Smithwick
Bland, Mo.	Fisher	McGlennon	Steagall
Rowling	Flood	McKeown	Stevenson
Box	Gallagher	Mansfield	Stoll
Briggs	Gallivan	Martin	Sumners, Tex.
Brinson	Ganly	Mays	Tague
Buchanan	Garrett	Mead	Taylor, Colo.
Burke	Goodykoontz	Milligan	Tillman
Byrnes, S. C.	Hastings	Minahan, N. J.	Venable
Byrnes, Tenn.	Hoe	Nelson, Mo.	Vinson
Campbell, Pa.	Humphreys	O'Connell	Weaver
Cantrill	Igoe	O'Connor	Welling
Caraway	Jacoway	Oldfield	Wilson, La.
Carow	James, Va.	Overstreet	Wilson, Pa.
Carss	Johnson, Ky.	Padgett	Wingo
Carter	Johnson, Miss.	Park	Woods, Va.
Casey	Jones, Tex.	Parrish	Wright
Coady	Kincheloe	Pell	Young, Tex.
Coilier	Lanham	Perlman	
Connally	Lankford	Phelan	

## ANSWERED "PRESENT"—5.

Dominick	Nolan	Osborne	Stephens, Miss.
Hardy, Tex.			

## NOT VOTING—159.

Andrews, Md.	Dunn	Hill	McLane
Anthony	Dyer	Holland	Madden
Ayres	Echols	Howard	Maher
Bacharach	Edmonds	Huddleston	Major
Baer	Ellsworth	Hudspeth	Mann, S. C.
Bell	Elston	Hull, Tenn.	Merritt
Benson	Evans, Mont.	Husted	Montague
Brand	Evans, Nev.	James, Mich.	Moon
Britten	Ferris	Jeffers	Mooney
Browne	Fish	Johnston, N. Y.	Moore, Va.
Brumbaugh	Frear	Jones, Pa.	Morin
Calkwell	Freeman	Kahn	Mott
Candler	Gandy	Kearns	Murphy
Cannon	Gard	Keller	Neely
Clark, Fla.	Garner	Kelly, Pa.	Nelson, Wis.
Clark, Mo.	Glynn	Kennedy, Iowa	Nicholls
Classon	Godwin, N. C.	Kennedy, R. I.	Oliver
Clary	Goldfogle	Kettner	Olney
Copley	Goodall	King	Paige
Costello	Goodwin, Ark.	Kitchin	Parker
Crisp	Gould	Kreider	Patterson
Curry, Calif.	Graham, Ill.	Lampert	Peters
Davey	Graham, Pa.	Langley	Pon
Dent	Hamill	Loneragan	Rainey, Ala.
Dickinson, Mo.	Hamilton	Longworth	Rainey, Henry T.
Donovan	Harrell	Lufkin	Rainey, John W.
Doolling	Harrison	McAndrews	Ramsayer
Doremus	Haugen	McFadden	Ransley
Doughton	Hayden	McKenzie	Reavis
Drewry	Hersey	McKinley	Reed, N. Y.
Dunbar	Hersman	McKinley	Riordan

Rodenberg	Sears	Stiness	Walters
Rowan	Sherwood	Strong, Kans.	Watkins
Ruby	Sims	Sullivan	Welty
Rucker	Slemp	Taylor, Ark.	Whaley
Sanders, La.	Small	Thomas	White, Me.
Sanders, N. Y.	Smith, N. Y.	Towner	Williams
Sanford	Stedman	Upshaw	Wise
Scott	Steele	Vare	Yates
Scully	Steenerson	Volstead	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Mr. SANFORD (for) with Mr. BELL (against).  
 Mr. SLEMP (for) with Mr. STEPHENS of Mississippi (against).  
 Mr. KREIDER (for) with Mr. STEELE (against).  
 Mr. DYER (for) with Mr. DOMINICK (against).  
 Mr. CURRY of California (for) with Mr. SMITH of New York (against).  
 Mr. RODENBERG (for) with Mr. RUCKER (against).  
 Mr. FREAR (for) with Mr. RIORDAN (against).  
 Mr. LUFKIN (for) with Mr. NICHOLLS (against).  
 Mr. LANGLEY (for) with Mr. CLARK of Florida (against).  
 Mr. COLE (for) with Mr. SULLIVAN (against).  
 Mr. PATTERSON (for) with Mr. MAHER (against).  
 Mr. WILLIAMS (for) with Mr. McANDREWS (against).  
 Mr. BROWNE (for) with Mr. McKINIRY (against).  
 Mr. BACHARACH (for) with Mr. GOLDFOGLE (against).  
 Mr. HERSEY (for) with Mr. DONOVAN (against).  
 Mr. VOLSTEAD (for) with Mr. JOHNSTON of New York (against).

Additional pairs:

Mr. OSBORNE with Mr. HARDY of Texas.  
 Mr. ANTHONY with Mr. POUL.  
 Mr. KELLER with Mr. BRAND.  
 Mr. LAMPERT with Mr. UPSHAW.  
 Mr. KING with Mr. OLIVER.  
 Mr. MOTT with Mr. STEDMAN.  
 Mr. KELLY of Pennsylvania with Mr. TAYLOR of Arkansas.  
 Mr. DOMINICK. Mr. Speaker, is the gentleman from Missouri, Mr. DYER, recorded as voting?  
 The SPEAKER. He is not recorded.

Mr. DOMINICK. I wish to withdraw my vote of "nay" and vote "present," as I was paired with the gentleman from Missouri, and I wish to make the same announcement that I made on the other vote.

The result of the vote was announced as above recorded.

On motion of Mr. DALLINGER, a motion to reconsider the last vote was laid on the table.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana, by direction of the Committee on Appropriations, submitted for printing, under the rule, the conference report and accompanying statement on the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes.

Mr. WOOD of Indiana. Mr. Speaker, I desire to ask unanimous consent that action on the Senate amendment No. 58, which is the amendment whereby the Senate has inserted an authorization for the sale of \$200,000,000 of farm-loan bonds, be postponed for consideration until Tuesday. By that means I think it possible that we can get this conference report up tomorrow, and get along with it so that it can be concluded before the end of the session.

Mr. Sisson. Reserving the right to object, I have no objection to that being done. In fact, I think that by taking the bill back to conference with that one amendment to come back to the House, as I understand it, to be voted on on Tuesday—

Mr. WOOD of Indiana. Yes—

Mr. Sisson. The bill then can be agreed to, or could be agreed to, and the engrossing clerk can engross all the bill except that page.

Mr. MANN of Illinois. Is it the intention to take the bill back to conference before Tuesday?

Mr. Sisson. I understand we shall take the bill back to conference—

Mr. MANN of Illinois. You can not without this amendment to it.

Mr. WOOD of Indiana. Even so, we will have made that much progress.

Mr. Sisson. The point the gentleman from Illinois makes is that the whole report will have to be made.

Mr. MANN of Illinois. You can have an understanding.

Mr. Sisson. It can be made with the understanding that the items can be brought back to the House on Tuesday. The understanding is that we will not recede, but get a vote on it in the House.



Mr. MANN of Illinois. The understanding would be if the bill comes up to-morrow or Monday that formally we would further insist on the disagreement to the amendment, and that the amendment will be brought back to the House for the House to vote upon on Tuesday, if the conference report comes back on Tuesday.

Mr. WINGO. I may be in error, but my understanding is that we can go ahead with the conference report with respect to everything except this amendment, and then, on Tuesday morning, if the situation required it, the House could express itself on that one amendment.

Mr. MANN of Illinois. True; but if you send the bill back for further conference this amendment must go back with it—

Mr. GOOD. On a disagreement.

Mr. MANN of Illinois. Yes.

Mr. WINGO. That is assuming that the House will further insist on other amendments also, and that the House will vote down a motion to concur in this amendment. If the House concurs in this amendment, of course, it would not need to go back to conference.

Mr. MANN of Illinois. The purpose is to wait, as I understand, to see if the Supreme Court should decide the pending case on Monday. The gentleman says this matter will not be disposed of in conference, or that the Senate will not recede, and that it will be brought back to the House if it goes to conference before then.

Mr. Sisson. It insures a vote on that amendment.

Mr. GOOD. You will have a vote on it on Tuesday.

#### ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15962. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes; and

H. R. 15441. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes.

#### SWEARING IN OF A MEMBER.

Mr. DARROW. Mr. Speaker, I present the gentleman from Pennsylvania, Mr. FARR, to be sworn in.

Mr. FARR appeared at the bar of the House and took the oath of office prescribed by law.

Mr. PELL. Mr. Speaker, I make the point of order there is no quorum present.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to call up the conference report on House bill 14461—

Mr. PELL. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order there is no quorum present.

#### ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p. m.) the House, under its previous order, adjourned until Saturday, February 26, 1921, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV,

427. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Damariscotta River, Me., was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. COADY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15963) to amend and reenact the first paragraph of subdivision (a) of section 209 of the transportation act, 1920, reported the same with amendments, accompanied by a report (No. 1360), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FESS, from the Committee on Education, to which was referred the bill (H. R. 15853) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," ap-

proved June 27, 1918, as amended by the act of July 11, 1919, reported the same with amendments, accompanied by a report (No. 1374), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FOCHT, from the Committee on War Claims, to which was referred the bill (S. 2682) for the relief of Blanche Winters, reported the same with an amendment, accompanied by a report (No. 1361), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FERRIS: A bill (H. R. 16152) to amend an act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain, approved February 25, 1920; to the Committee on the Public Lands.

By Mr. STEENERSON: Joint resolution (H. J. Res. 476) to pay the actual and necessary expenses of James I. Coffey and William Lufkins in visiting Washington in the interests of the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. McFADDEN: Joint resolution (H. J. Res. 477) amending section 5211 of the Revised Statutes; to the Committee on Banking and Currency.

By Mr. EVANS of Montana: Memorial from the Legislature of the State of Montana concerning the "Gates of the Rocky Mountains" and asking that they be set aside as a national monument; to the Committee on the Public Lands.

By Mr. KENNEDY of Rhode Island: Memorial from the Legislature of the State of Rhode Island, urging the passage of legislation now pending in Congress for the benefit of disabled men of the World War; to the Committee on Interstate and Foreign Commerce.

By Mr. McGLENNON: Memorial from the Legislature of the State of New Jersey, favoring the passage of House bills 13558, 10845, 14961, and 14157, which contain legislation for the benefit of the ex-service man; to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: Memorial from the Legislature of the State of Arkansas, favoring the construction of a United States Public Health Service hospital for tubercular cases at Booneville, Ark; to the Committee on Public Buildings and Grounds.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII,

Mr. CANNON introduced a resolution (H. Res. 695) to pay Arthur Lucas for special janitor services, which was referred to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6057. By the SPEAKER (by request): Petition of the Unemployed League of Denver, Colo., asking that public work be started, so as to give work to the unemployed; to the Committee on Appropriations.

6058. By Mr. ACKERMAN: Petition of 109 citizens of Roselle Park, N. J., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

6059. By Mr. CAMPBELL of Pennsylvania: Petition of certain citizens of Pittsburgh, Pa., urging amendment to Volstead prohibition enforcement act to permit manufacture and sale of beer and light wines; to the Committee on the Judiciary.

6060. Also, petition of certain citizens and voters of St. Clair Borough, Pittsburgh, Pa., protesting against passage of the Smith-Towner educational bill; to the Committee on Education.

6061. By Mr. EDMONDS: Petition of the Philadelphia Board of Trade, protesting against the adoption of the metric system as provided for in House bill 15420; to the Committee on Coinage, Weights, and Measures.

6062. By Mr. FULLER: Petition of the Illinois Valley Manufacturers' Club, of La Salle, Ill., favoring the establishment of the metric system of weights and measures; to the Committee on Coinage, Weights, and Measures.

6063. Also, petition of Rev. P. C. Kruger and the board of trustees of the Evangelical Protestant Church of La Salle, Ill., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

6064. By Mr. HULINGS: Petition of Branch 422, Ladies Catholic Benevolent Association of St. Marys, Pa., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6065. By Mr. KAHN: Petition of Bridge Structural and Ornamental Iron Workers of San Francisco, Calif., relative to resumption of trade with soviet Russia; to the Committee on Foreign Affairs.

6066. By Mr. LAMPERT: Petitions from citizens of Oshkosh, Wis., requesting amendment to the Volstead enforcement act, permitting the manufacture of beer and light wines; also protesting against the so-called Sunday blue laws; to the Committee on the Judiciary.

6067. By Mr. MAGEE: Petition of Joseph M. Jacobs and other citizens of Syracuse, N. Y., protesting against alleged conditions in the occupied zone on the Rhine; to the Committee on Foreign Affairs.

6068. By Mr. MICHENER: Petition of St. John's Branch Holy Name Society, of Jackson; San Francis Xavier Parish, of Ecorse; Ladies' Catholic Benevolent Association, of Hudson; League of Catholic Women, of Wyandotte; Amaranth Club, of Jackson; and sundry protests of individuals, all in the State of Michigan, against passage of the Smith-Towner bill; to the Committee on Education.

6069. By Mr. NEWTON of Minnesota: Petition of Mrs. W. V. Pasko and sundry women of Minneapolis, Minn., opposing passage of Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

6070. By Mr. PAIGE: Petition of Graton Council, No. 84, of L'Union St. Jean-Baptiste d'Amerique, of Gardner, Mass., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6071. By Mr. RANSLEY: Petition of the Philadelphia Bourse, of Philadelphia, Pa., protesting against Federal control of industry; to the Committee on Agriculture.

6072. By Mr. ROGERS: Petition of L'Union St. Jean-Baptiste d'Amerique, Notre Dame Council, No. 80, of Hudson, Mass., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6073. By Mr. TEMPLE: Petition of H. C. Fry Glass Co., of Rochester, and the Cooperative Flint Glass Co., of Beaver Falls, both in the State of Pennsylvania, calling attention to the handicap upon American glass manufacturers due to the importation of glassware manufactured in foreign countries by child labor; to the Committee on Ways and Means.

6074. Also, petition of convention of State Federation of Pennsylvania Women, held at Pittsburgh, Pa., in support of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

6075. Also, petition of Branch 663, Ladies' Catholic Benevolent Association, Donora, Pa., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6076. Also, petition of the Current Events Club of Washington, Pa., protesting against the enactment of House bill 12466; to the Committee on the Public Lands.

6077. By Mr. VARE: Petition of the Philadelphia Board of Trade, protesting against the passage of the Federal coal bill and the Federal live-stock commission bill, and the Muscle Shoals project; to the Committee on Agriculture.

6078. Also, petition of the Philadelphia Bourse, protesting against Federal operation of private industries; to the Committee on Agriculture.

## SENATE.

SATURDAY, February 26, 1921.

(Legislative day of Thursday, February 24, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

### KERENSKY GOVERNMENT OF RUSSIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, with accompanying documents, in response to Senate resolution 417, of January 4, 1921, directing the Secretary of the Treasury to furnish the Senate information as to the use of the funds of the United States in aid of the so-called Kerensky government of Russia, which communication was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,  
Washington, February 25, 1921.

Sir: Pursuant to Senate resolution 417, I have the honor to furnish the following information:

Question 1. Are funds of the United States being used either directly or indirectly to support or maintain an embassy in the city of Washington, D. C., representing the so-called Kerensky government of Russia,

and, if so, how much money has been thus expended, and what authority is there for such expenditure?

Answer. No funds of the United States have been so used. The funds of the United States were used solely for the purchase of obligations of the Russian Government in accordance with the Liberty loan acts. The funds paid by the United States to the Russian Government to purchase its obligations became the funds of the Russian Government. Among the expenditures of the Russian Government from its funds, as shown by the below-mentioned reports, are disbursements to support or maintain the Russian Embassy in Washington.

Question 2. Was money advanced from the Treasury of the United States to establish a credit on behalf of the Kerensky government, and, if so, in what amount, and for what purpose was it used?

Answer. As set forth in the Annual Report of the Secretary of the Treasury for the fiscal year 1920, in pursuance of the authority of the Liberty loan acts, the Secretary of the Treasury did from time to time, with the approval of the President, establish credits in favor of the provisional government of Russia, but no such credits were established subsequent to the fall of the so-called Kerensky government in November, 1917. Advances were made to the said Russian Government on the following dates and in the following amounts:

	1917.	
July 6	\$25,000,000	
July 13	10,000,000	
Aug. 1	2,500,000	
Aug. 22	2,500,000	
Aug. 24	37,500,000	
Aug. 30	10,000,000	
Sept. 25	15,000,000	
Oct. 2	22,000,000	
Oct. 11	20,000,000	
Nov. 1	31,700,000	
Nov. 15	1,329,750	
	187,729,750	

The proceeds of the advance of \$1,329,750 made on November 15, 1917, were simultaneously applied by the Russians to the payment of interest to the Government of the United States. No advances were made after November 15, 1917.

As shown in Exhibits 26 and 28, on pages 338 and 342 of the Annual Report of the Secretary of the Treasury for the fiscal year 1920, respectively, the expenditures reported by the Russian Government for the period April 6, 1917, to December 31, 1917, were as follows:

EXPENDITURES.	
Munitions, including remounts	\$58,698,646.58
Exchange and cotton purchases	53,186,352.70
Other foods	1,706,909.48
Other supplies	49,338,982.34
Transportation	2,155,769.40
Shipping	1,524,678.54
Interest	4,129,731.64
Maturities	5,000,000.00
Miscellaneous	3,041,568.80
	178,582,669.57

Subsequent to January 1, 1918, further expenditures for similar items were reported to the amount of \$50,658,684.89. The total expenditures reported for the entire period from April 6, 1917, to December 15, 1920, were therefore \$228,641,354.46. The Russian representatives have reported receipts since December 31, 1917, of \$25,466,962.83. Certain of these are doubtless refunds of payments included among the expenditures, and others may be the proceeds of goods purchased by means of the expenditures. There is reason to believe, however, that a large portion of the receipts are the proceeds of materials purchased by the Russians out of resources other than United States advances.

Question 3: What amount of money, if any, does the Kerensky government owe to the Government of the United States, how is it secured, what rate of interest does it bear, and when does it mature?

Answer: For its advances to Russia, as stated on page 55 of the annual report of the Secretary of the Treasury for the fiscal year 1920, the Secretary holds obligations of the Russian Government corresponding in amount and bearing the respective dates set forth in the foregoing table of advances. Said obligations are in the form of certificates of indebtedness payable to the United States without deduction as to principal and interest for taxes of the debtor Government in gold coin of the United States of the present standard of weight and fineness at the Subtreasury of the United States in New York or at the Treasury of the United States in Washington. They are signed in the name of the provisional Government of Russia by a representative of that Government designated to the Treasury by the Department of State as being authorized to sign them in the name and on behalf of that Government. Certain of the certificates were payable at fixed dates of maturity, all of which are now past, so that they are now held as demand obligations. The remainder were expressed to be payable on demand. Certain of them were expressed to bear interest at the rate of 3 1/2 per cent per annum and the others at the rate of 4 1/2 per cent per annum, being the same rates borne by the obligations issued at that time by the United States Government. By arrangement similar to that made with other Governments interest has been charged on all Russian obligations since May 15, 1918, at a rate equivalent to 5 per cent per annum on the total amount thereof. As stated on page 57 of my annual report, the amount of interest heretofore paid on the above-mentioned Russian obligations is \$4,595,564.15, being the interest up to November 15, 1917, in full, together with a partial payment of \$1,865,925.08 on account of the interest which became due May 15, 1918, and partial payments of \$1,399,877.43 on account of the interest which became due November 15, 1918. As stated on page 58 of the annual report, the Secretary holds a special fund of \$1,808,506, which is equal to the unpaid balance of the interest matured on Russian obligations on May 15, 1918, and which it is believed ultimately can be applied in discharge of that balance and a similar fund of \$335,095.07, which it is believed will be applicable upon the unpaid balance of interest which became due November 15, 1918. As shown at the same page of the report, the interest accrued and remaining unpaid on the above-mentioned Russian obligations for the half years ending November 15, 1918; April 15, 1919, and May 15, 1919, October 15, 1919, and November 15, 1919; April 15, 1920, and May 15, 1920, and October 15, 1920, and November 15, 1920, amounts in all, after deduction of the special funds above mentioned, to \$21,187,741.90. For the interest which became due November 15, 1918, the Treasury holds an obligation of that date executed in the name of the provisional Government of Russia, payable on demand